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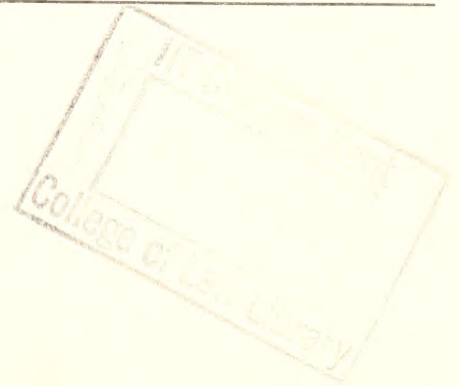
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Rules of Governmental Agencies

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Index Department  
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## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Illinois Weather Modification Control Act

2) Code Citation: 68 Ill. Adm. Code 900

3) Section Number: Proposed Action:

900.10	Repeal
900.20	Repeal
900.30	Repeal
900.40	Repeal
900.50	Repeal
900.60	Repeal
900.70	Repeal
900.80	Repeal
900.90	Repeal

4) Statutory Authority: P.A. 81-999 repealed Statutory Authority for these rules.

5) A complete description of the subjects and issues involved: The Weather Modification Control Act was repealed December 31, 1991 and therefore these rules should be repealed.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon units of local government.

11) Time, place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Stan Yonkauskis, Jr., Legal Counsel  
Illinois Department of Natural Resources  
524 South Second Street  
Springfield, IL 62701  
Telephone: (217)782-1809

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to

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the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 p.m. on April 7, 1998. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Department neglected to submit a regulatory agenda on this part.

The full text of the Proposed Repealer begins on the next page

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## TITLE 68: PROFESSIONS AND OCCUPATIONS

## CHAPTER VI: DEPARTMENT OF ENERGY AND NATURAL RESOURCES

## PART 900

## ILLINOIS WEATHER MODIFICATION CONTROL ACT (REPEALED)

Section	
900.10	Concept of Rules
900.20	Definitions
900.30	Administration
900.40	Hearings
900.50	Permit Required
900.60	Permits
900.70	Records
900.80	Reports
900.90	Partial Invalidity

AUTHORITY: Implementing and authorized by "An Act in relation to weather modification", approved August 13, 1981 (Ill. Rev. Stat., ch. 111, par. 7317); agency name changed by "An Act to change the name from the Illinois Institute of Natural Resources to the Illinois Department of Energy and Natural Resources and relating to its power and duties", P.A. 82-592, approved September 24, 1981; repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SOURCE: 6 Ill. Reg. 7418, effective June 16, 1982; repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 900.10 Concept of Rules

- a) Purpose of Rules
- These Rules are adopted to promote properly conducted weather modification operations and research and development, to minimize possible adverse effects from weather modification activities and to facilitate the administration and enforcement of the Weather Modification Control Act. These Rules shall be liberally construed to carry out these objectives and purposes.
- b) Use and Effect of Rules
- These Rules are prescribed for the performance of the statutory powers and functions vested in the Department of Energy and Natural Resources. In no event shall any Rule or Rules be construed as a limitation or restriction upon the exercise of any statutory power of the Department.
- c) Construction of Rules
- These Rules should not be construed to abrogate, modify or limit any rights, privileges, or immunities granted or protected by the Constitution or laws of the United States or the Constitution or laws of the State of Illinois nor to deny any person life, liberty, or

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property without due process of law.

## Section 900.20 Definitions

As used in these Rules, unless the context otherwise requires, the terms specified herein have the meanings ascribed to them herein or by the Weather Modification Control Act, whichever shall be applicable.

## a) Act or Weather Modification Control Act

"Act" or "Weather Modification Control Act" means "An Act to regulate weather modification in this State and amending certain Acts therein named in connection therewith" as same may at any time or from time to time, be amended.

## b) Weather Modification Apparatus

"Weather Modification Apparatus" means any apparatus used with the intention of producing artificial changes in the composition, motions and resulting behavior of the atmosphere.

## c) Sponsor

"Sponsor" means any person who enters into an agreement with a permittee to perform a weather modification operation.

## d) Target Area

"Target Area" means the surface area within which the effects of an operation are expected to be found.

## e) Operations Area

"Operations Area" means the area in which an operation is conducted to produce or attempt to produce the desired effect within the target area.

## f) Control Area

"Control Area" means a preselected, untreated surface area in which no effects are expected and which is used for comparison with a target area.

## g) Professional Level

"Professional Level" means a level of responsibility for direct supervision and conduct of operations or substantial parts thereof.

## h) Department's Address

Department of Energy and Natural Resources, Attention: Weather Modification, 325 West Adams Street, Room 300, Springfield, Illinois 62706.

## i) Chairman's Address

Chairman, Illinois Weather Modification Board, Illinois State Water Survey, 605 East Springfield Avenue, Champaign, Illinois 61820.

## Section 900.30 Administration

## a) Director

The powers and duties of the Department enumerated in the Act and these rules shall be exercised by the Director.

## b) Board

Reports from the Board, except in emergencies, shall be in writing.



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The Chairman of the Board shall be responsible for forwarding to the Director reports from the Board within 30 days and for keeping other members of the Board advised of pending business of the Board. The Director shall act within 30 days upon receipt of reports from the Board.

**Section 900.40 Hearings**

- a) Hearings Required  
Except for emergency modifications of operational permits as provided for in Section 21(b) of the Act, before suspending, revoking, refusing to renew or modifying a permit, the Department shall conduct a hearing in conformity with Section 8 of the Act.
- b) Stenographic Record  
The stenographic record of a hearing shall be retained for at least five years. It need not be transcribed unless there is judicial review of the final administrative decision under Section 25 of the Act.

**Section 900.50 Permit Required**

- a) Requirement  
Except as provided in Section 900.50(b) of this Part, no person shall engage in weather modification activities:
  - 1) Without a weather modification operational permit issued under Section 900.60 of this Part; or
  - 2) In violation of any term, condition or limitation of such permit.
- b) Exemptions  
The following activities are exempt from the permit requirements of the Act and these Rules:
  - 1) Research and development conducted by the State, its subdivisions and agencies of the State and of its subdivisions, institutions of higher learning and bona fide research organizations;
  - 2) Activities for protection against frost or fog; and
  - 3) Activities normally conducted for purposes other than inducing, increasing, decreasing or preventing hail, precipitation, clouds or tornadoes.
- c) Conduct of Exempt Activities  
Exempted Activities shall be so conducted as not to interfere with Weather Modification Operations conducted under a permit issued in accordance with this Act and these rules.
- d) Notice of Exempt Activities  
Persons conducting exempt operations and research and development shall file at the Chairman's address the original of a notice form indicating their intent to engage in such activities and a copy thereof at the Department's address. Notice forms are available from both the Chairman and the Department. Information from notice forms will be used in ascertaining the extent to which records should be

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kept for exempt activities under Section 900.70(f) of this Part and reports should be filed on such activities under Section 900.80(e) of this Part. Notice forms will require the following data:

- 1) Name and address of the person giving notice;
- 2) Name and address of the sponsor (if any) of the operation or research and development;
- 3) Whether the activity is operational or research and development;
- 4) Nature and object of the activity;
- 5) The legal description of and a map showing the operations area, target area and control area, if the activity involves any such areas;
- 6) The approximate starting date of the activity and its anticipated duration;
- 7) The kind of weather modification agent(s) intended for use; and
- 8) The kinds of weather modification apparatus which will be used.

**Section 900.60 Permits**

## a) Criteria for Issuance

- 1) Issuance of permits to conduct weather modification operations shall be based on the following factors:
  - A) The applicant, (or if the applicant is an organization rather than an individual, the individual who will be physically present in Illinois in control of the operation and under whose direction on a day-by-day basis it will be carried out), has a minimum of two years of professional level experience in weather modification operations;
  - B) The applicant has furnished proof of financial responsibility in accordance with Section 20 of this Act and under Section 900.60(f) of this Part;
  - C) The operation has technical and scientific feasibility and is reasonably conceived to do all or any or the following: improve water quality or quantity, reduce losses from weather hazards, provide economic benefits for the people of the State, advance or enhance scientific knowledge or otherwise carry out the objectives and purposes of this Act and these Rules;
  - D) The operation does not involve substantial risk to persons or property, is designed to include adequate safeguards to minimize possible damage to the public health, safety or welfare or to the environment and includes an emergency shut down procedure which states conditions under which operations must be suspended because of possible danger to the public health, safety and welfare or to the environment;
  - E) The operation will not adversely affect another operation for which a permit has been issued;
  - F) The operation will not adversely affect another operation for which a permit has been issued;

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- G) *The applicant has complied with the permit fee requirement established by Section 18 of this Act;*
- H) *The applicant, by using available surface data from sources such as the United States Department of Agriculture county crop yield reports, the United States Geological Survey stream flow gauges, the National Weather Service temperature and precipitation gauges and reports and the hail loss insurance records for the region, has a technically acceptable plan for evaluation of the operation; and*
- I) *The project conforms to such other criteria as are set forth in the objects and purposes of the Act and of these Rules.*
- 2) *Projects must meet the following requirements before permits will be issued:*

A) *Facilities and Equipment--General*

i) *Aircraft, forecast facility, radar system, or any other equipment must be capable of replacement or repair within 72 hours in case of failure.*

ii) *The permittee shall provide an "operational center," with space adequate for all personnel and equipment. He shall record all aircraft-to-center-to-aircraft communications during seeding operations. These tapes shall be retained for the Department.*

B) *Facilities and Equipment--Aircraft*

i) *Recognizing that the number of seeding aircraft is critical, the permittee shall provide for warm season (March to October) projects one aircraft per 500 square miles for the initial 1000 square miles and one aircraft for each 1000 square miles over the initial 1000 square miles if the intent of the project is to attempt to modify all potential precipitation elements in an area.*

ii) *Aircraft must be capable of both cloud-base seeding and midcloud seeding, with operational ceilings of at least 20,000 feet Mean Sea Level (MSL).*

iii) *Each aircraft shall be complete with safety equipment and radio systems for communication with other project aircraft and the radar center of the project in conformance with the regulations of the Federal Aviation Administration.*

iv) *Project aircraft positions during seeding shall be indicated on the radar scope and photographed at least once every 5 minutes. Separate detailed records of aircraft position shall also be kept by pilots.*

v) *Seeding devices, whether pyrotechnics or other commercial products, must document rated nuclear production output rates. Proof of safe usage and performance must be offered. Equipment for carrying pyrotechnic flares shall be comparable to those*

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commonly used and proven in past operations.

C) *Facilities and Equipment--Forecast System*

i) *There shall be a weather forecast facility at the project operational center containing a weather circuit teletype or weather map facsimile machine or the data and information from similar equipment collected elsewhere and posted at least once during each hour.*

ii) *Criteria involving specific atmospheric conditions that must be achieved in declaring a potential seeded period (alert) and in deciding to launch a seeding mission will be listed and described in detail.*

iii) *Records shall be kept indicating how and what forecast and radar data were used to choose an operational period and the seeding method.*

iv) *Emergency shut downs of operations must occur when severe storm watches (for flash floods or tornadoes) are issued by the National Weather Service for any or all parts of the operations area; when the tops of any radar echoes in the project area exceed 50,000 ft. MSL; or when the Project Director decides that damaging severe weather will occur.*

D) *Facilities and Equipment--Radar System*

i) *There must be a 5-cm or 10-cm wavelength radar system for directing operations and for recording all echoes in and around the target area. Detailed operational logs are to be kept showing times of all events, calibrations, problems, etc. These logs are to be given to the Department. A calibration of the radar must be performed at least once each month and recorded on radar film.*

ii) *Radar operations and data collection must be conducted until all echoes that existed in the target have dissipated or disappeared from the scope, and for at least 60 minutes after seeding ends. Radar operations and data collection shall precede all seeding operations by at least 60 minutes; however, this requirement shall not restrict or limit the start of seeding operations when precipitation elements develop unexpectedly in the project area.*

iii) *Radar scope photography at 1° or less antenna tilt, and at 3° to 5° antenna tilt, are to be taken not less than every 10 minutes, using 16 mm or larger film. A copy of this film shall be given to the Department. Signal intensity differences (step gain or quantitative reflectivity contours) are to be photographed every 10 minutes at the specified elevations. Antenna tilt, time, date, range azimuth,*



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gain setting (signal intensity), and any other relevant data (such as any reflectivity contours in use) are to be indicated and clearly depicted on each scope photograph. The scope for this photograph shall be separate from the operational scope. Scope tracings by the operator shall be made at least every 20 minutes.

- iv) All film shall be removed, developed, and frequently reviewed to ensure the quality of photography.
- v) If there are 2 or more widely separate target areas, an additional radar scope and an additional operator shall be provided.
- vi) If a standard radar set is in use, coverage must extend out 20 miles to the SW, W, NW of any target area. All such pretarget and target areas must be within 80 miles. Otherwise, another radar must be provided.
- vii) The radar for data collection should not be located within the target area.

## E) Personnel

- i) Project staff, including all meteorologists and personnel who direct seeding operations, shall have the skill and facilities needed to determine which of the possible seeding methods should be invoked on any given weather situation.
- ii) Project pilots must have the experience and capability to recognize aloft both cloud-base and cloud-top seeding opportunities and to do both types of seeding, and have evidence of knowledge and experience in use of both techniques.
- iii) Two people are to be working at the forecast-radar center during all seeding operations. Both must be trained and capable of radar operations and in weather forecasting with training equivalent to an associate degree in atmospheric sciences.

## b) Application for Permit

An applicant for a permit shall fill out and file at the Chairman's address the original of an application form and a copy thereof at the Department's address no later than thirty days before the applicant plans to use the permit. Permit applications are available from both the Chairman and the Department. The form shall require information about the applicant and the proposed operation from which the Department can make an informed judgment whether or not to issue the permit and, in case of issuance of the permit, what conditions and limitations should be placed upon it. Among the data required is the following information about the applicant and the project:

- 1) Name and address of the applicant;
- 2) Whether a weather modification operational permit issued to the

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applicant in any jurisdiction has ever been suspended, revoked, placed on probationary status or subjected to any other disciplinary action or whether there has been refusal to renew such a permit by any jurisdiction. If there has been any such suspension, revocation, placement on probationary status or other disciplinary action or refusal to renew, the circumstances must be explained in full;

- 3) If the applicant is a corporation, whether it is licensed to do business in Illinois;
- 4) Names, addresses and evidence of professional level experience of the applicant and the individuals in control of the operation and under whose direction on a day-by-day basis it will be carried out;
- 5) Whether professional weather modification licenses issued to the individuals listed in compliance with Section 900.60(b)(4) of this Part in any jurisdiction have ever been suspended or revoked or placed on probationary status or subjected to any other disciplinary action or whether there has been refusal to renew such licenses by any jurisdiction. If there has been any such suspension, revocation, placement on probationary status or other disciplinary action or refusal to renew, the circumstances must be explained in full;
- 6) Whether proof of financial responsibility has been furnished in accordance with Section 20 of the Act and Section 900.60(f) of this Part;
- 7) If the operations will be conducted under a contract, the value of the contract;
- 8) If the operation will not be conducted under a contract, an estimate of the costs of the operation and information as to how the estimate was made;
- 9) A copy of any promotional and advertising material used in connection with negotiations for the contract with the sponsor (if any);
- 10) A complete and detailed operational plan for the operation which includes:
  - A) The nature and objects of the operation;
  - B) The legal descriptions of and a map showing the operations area, the target area and the control area (if any);
  - C) The approximate starting date of the operation and its anticipated duration;
  - D) The kind of seeding agent(s) intended for use and the anticipated rate of their use;
  - E) The kinds of weather modification apparatus which will be used and the method(s) of seeding for which they will be used;
  - F) An emergency shut down procedure which states conditions under which operations must be suspended because of possible danger to the public health, safety and welfare or to the

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*Proof of financial responsibility is made by showing to the satisfaction of the Department that the permittee has the ability to respond in damages to liability which might reasonably result from the operation for which the permit is sought. Such proof of financial responsibility may, but shall not be required to, be shown by:*

- 1) *Presentation to the Department of Proof of purchase of a prepaid noncancellable insurance policy or a corporate surety bond issued by a company approved by the Department against whom service of legal process may be made in Illinois against such liabilities in an amount ten times the value of an operation conducted under contract or in an amount ten times the estimated costs of an operation not conducted under contract; or*
- 2) *Depositing with the Department cash or negotiable securities in an amount ten times the value of an operation conducted under contract or in an amount five times the estimated costs of an operation not conducted under contract.*

9) *Renewal of Permit*

*At the expiration of the permit period, the Department shall issue a renewal permit to each applicant who:*

- 1) *At least thirty days before expiration of the permit period files the original of a permit application form at the Chairman's address and a copy thereof at the Department's address;*
- 2) *Meets the criteria for issuance of a permit under Section 17 of the Act and Section 900.60 of this part, including payment of the permit fee; and has met these criteria during past operations.*

Section 900.70 Records

a) *Daily Log*

*Each permittee must fill in and retain a daily log of weather modification activities for each unit of weather modification apparatus used during an operation. The log form which will be available from the Chairman requires:*

- 1) *Date of the weather modification activity;*
- 2) *Each aircraft flight track and location of each item of weather modification apparatus during each modification mission. Maps may be used;*
- 3) *Local time when modification activity began and ended. For intermittent operations, the start and end of the total sequence are acceptable;*
- 4) *Duration of operation of each unit of weather modification apparatus, in hours and minutes;*
- 5) *Description of type of modification agent used;*
- 6) *Rate of dispersal of agent during the period of actual operation of weather modification apparatus, by hour or other appropriate time period;*
- 7) *Total amount of modification agent used. If more than one agent was used, report total for each type separately;*

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environment;

- G) *The means by which the operation plans will be implemented and carried out, such as the location of the main operational office and any other offices used in connection with the operation, the location of such ground equipment as seeding generators, radar and evaluation instrumentation, the number and kinds of aircraft which will be used and the extent to which weather data will be made available to the licensees and other personnel carrying out the project; and*
- H) *How conduct of the operation will interact with other projects;*

- 11) *An acceptable plan for evaluation of the operational prepared in compliance with Section 900.60(a)(1)(H) of this Part; and*
- 12) *Such additional information as will assist the Department in deciding whether or not to issue the permit.*

c) *Procedure for Issuance*

*The Department shall evaluate all fully executed applications, using not only information derived from the completed application forms and accompanying them, but also such other relevant data about the applicant and the proposed operations as it possesses or discovers. The Department may give public notice by newspaper, radio or television announcement in the area of the State reasonably expected to be affected by operations conducted under a permit that it is considering an application or more than one application for a permit, and may hold a public hearing for the purpose of obtaining information from the public concerning the effects of issuing or refusing to issue the permit. The Department shall issue a permit in response to an application for an operation if it determines that there has been substantial compliance with Section 17 of the Act and Section 900.60 of this part. Otherwise it shall deny the application for the permit. The Department shall complete its action upon applications within thirty days of receiving them.*

d) *Conditions and Limits of permit*

*The permittee shall confine weather modification activities within the conditions and limits specified in the permit and those imposed by the Act and these Rules. The Department shall condition and limit all permits in the following respects:*

- 1) *A permit may cover only one operation;*
- 2) *When an operation is conducted under contract, a separate permit is required for each contract; and*
- 3) *Only one permit will be issued at a time for operations in any geographical area if two or more operations conducted within the conditions and limits of the permits might adversely interfere with each other.*

e) *Duration of Permit*

*A permit is valid for the period stated in the application, which period shall not exceed one year.*

f) *Proof of Financial Responsibility*



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- 8) Local time when any radar monitoring operation was turned on and turned off;
- 9) Type of clouds modified, that is whether they were stratiform, isolated cumuliform, organized cumuliform or other types of clouds;
- 10) Remarks indicating such operational problems as equipment failure, weather conditions not conducive to successful performance of the operation, personnel problems and the like; and
- 11) Monthly totals from daily logs listing the total:
  - A) Days during month in which operation conducted;
  - B) Time of operation;
  - C) Amount of each kind of agent used;
  - D) Average rate of dispersal of each kind of agent used;
  - E) Time of operation of radar; and
  - F) Days of each type of cloud treated.
- b) Weather Records  
Each permittee must obtain and retain copies of all daily precipitation total records available from the National Weather Service stations in the target area and other sources.
- c) Summary Records  
Each permittee must keep a roster of the names and Illinois addresses of all employees participating in the State on an operation for which a permit has been issued.
- d) Addresses of Participants  
Each permittee must keep a roster of the names and Illinois addresses of all employees participating in the State on an operation for which a permit has been issued.
- e) Inspection  
Duly authorized agents of the Department shall have the power to enter and inspect the records required by this Rule and to make copies of them.
- f) Exempted Weather Modification Activities  
Persons operating weather modification activities which are exempted under Section 900.50(b) of this Part shall keep such records as are required of permittees by this Rule.

**Section 900.80 Reports**

- a) Monthly:  
Within ten days after the conclusion of each calendar month the permittee shall submit a report to the Chairman which shall consist of:
  - 1) A copy of the summary record prepared under Section 900.70(c) of this Part;
  - 2) A copy of the roster of the names and Illinois addresses of all employees participating in the State on an operation which was prepared under Section 900.70(d);

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- 3) A copy of the federal interim activity report form filed for that month with the National Oceanic and Atmospheric Administration in accordance with the rules adopted under the authority of Public Law 92-205 (15 U.S.C. 330 et seq.); and
- 4) A narrative account of the manner in which operations during the month did not conform to the operational plan filed in accordance with Section 900.60(b)(10).
- b) Final  
Within thirty days after completion of the operation the permittee shall file with the Chairman a final report on the operation which shall consist of:
  - 1) Copies of the logs prepared in accordance with Section 900.70(a), of the weather records obtained in accordance with Section 900.70(b) and of the records prepared under Section 900.70(c)
  - 2) A copy of the federal final activity report form filed with the National Oceanic and Atmospheric Administration in accordance with the rules adopted under the authority of Public Law 92-205; and
  - 3) A narrative account of the manner in which the operation did not conform to the operational plan filed in accordance with Section 900.60(b)(10).
- c) Evaluation  
Within sixty days after completion of the operation the permittee shall file with the Chairman a narrative evaluation of the operation. The data for this report should be assembled and evaluated in accordance with the evaluation plan prepared in compliance with Section 900.60(a)(8).
- d) Reports to Sponsors  
The permittee shall file with the Chairman a copy of all reports made by the permittee to sponsors of the operation.
- e) Exempt Weather Modification Activities  
Persons operating weather modification activities exempted under Section 900.50(b) of this Part shall file such reports as are required of permittees by this Rule.
- f) Public Records  
All reports which are in the custody of the Chairman and which have been filed with him under the Act or Section 900.80 shall be kept open for public examination as public documents during regular business hours of the Chairman's office located at the Chairman's address.

**Section 900.90 Partial Invalidity**

If any portion of these Rules is held invalid, such invalidity shall not affect any other part of these Rules which can be given effect without the invalid portion.

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10) Statement of statewide policy objectives: This rulemaking is authorized by Section 27 of the Environmental Protection Act. The statewide policy objectives are set forth in Section 8 of that Act. This rulemaking may affect an existing mandate imposed on units of local government to the extent that they may be the owner or operator of a source of volatile organic material emissions in the subject areas of this State. These mandates are, however, imposed as a result of mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this Proposed Rulemaking: The Board will accept written public comment on this Proposal for a period of 45 days after the date of this publication. Comments should reference Docket R98-15 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924. Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: The existing rules and proposed amendments affect small businesses, small municipalities, and not-for-profit corporations that own or operate a volatile organic material emission source located in certain areas of the State.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of annual reports, emissions analyses, and maintenance of operating records. The amendments do not impose new reporting and recordkeeping requirements and other procedures not already imposed by the existing regulations.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda in which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:

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1) Heading of the Part: Organic Material Emission Standards and Limitations

2) Code Citation: 35 Ill. Adm. Code 215

Section numbers:	Proposed Action:
215.104	Amendments
215.109	Amendments
215.204	Amendments
215.205	Amendments
215.206	Amendments
215.207	Amendments
215.211	Amendments
215.212	Amendments
215.214	Repeal
215.601	Repeal
215.602	Repeal
215.603	Repeal
215.604	Repeal
215.605	Repeal
215.606	Repeal

4) Statutory Authority: 415 ILCS 5/27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's proposed opinion of February 5, 1998, in R98-15, available at the address below. The proposed R98-15 amendments are based on a proposal filed on October 30, 1997, by the Illinois Environmental Protection Agency (Agency). A principal feature of the R98-15 amendments is the deletion of provisions from Part 215 that are duplicated in 35 Ill. Adm. Code 211, 218, and 219. These include duplicated definitions and various duplicated provisions that apply only in the non-attainment areas of the State. Pursuant to the Agency's recommendation, the Board would delete several obsolete provisions from Part 215, add certain exemption provisions available to emission units in non-attainment areas, change some word usage to comport with Part 215 with other Board volatile organic material (VOM) regulations, correct cross references to the definition of VOM, repeal a site-specific rule applicable to a facility in Olney, and repeal provisions applicable to perchloroethylene dry-cleaning facilities.

6) Will this Proposed Rule replace an emergency rule currently in Effect? No

7) Does this Rulemaking contain an automatic repeal date? No

8) Do these Proposed Amendments contain incorporations by reference? No

9) Are there any other Amendments pending on this Part? No



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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCES

## PART 215

## ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

## SUBPART A: GENERAL PROVISIONS

## Section

215.100 Introduction  
215.101 Clean-up and Disposal Operations  
215.102 Testing Methods  
215.103 Abbreviations and Conversion Factors  
215.104 Definitions  
215.105 Incorporation by Reference  
215.106 Afterburners  
215.107 Determination of Applicability  
215.108 Measurement of Vapor Pressures  
215.109 Monitoring for Negligibly-Reactive Compounds

SUBPART B: ORGANIC EMISSIONS FROM STORAGE  
AND LOADING OPERATIONS

## Section

215.121 Storage Containers  
215.122 Loading Operations  
215.123 Petroleum Liquid Storage Tanks  
215.124 External Floating Roofs  
215.125 Compliance Dates and Geographical Areas  
215.126 Compliance Plan  
215.127 Emissions Testing  
215.128 Measurement of Seal Gaps

SUBPART C: ORGANIC EMISSIONS FROM  
MISCELLANEOUS EQUIPMENT

## Section

215.141 Separation Operations  
215.142 Pumps and Compressors  
215.143 Vapor Blowdown  
215.144 Safety Relief Valves

## SUBPART E: SOLVENT CLEANING

## Section

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## Section

215.181 Solvent Cleaning in General  
215.182 Cold Cleaning  
215.183 Open Top Vapor Degreasing  
215.184 Conveyorized Degreasing  
215.185 Compliance Plan

## SUBPART F: COATING OPERATIONS

## Section

215.202 Compliance Schedules  
215.204 Emission Limitations for Manufacturing Plants  
215.205 Alternative Emission Limitations  
215.206 Exemptions from Emission Limitations  
215.207 Compliance by Aggregation of Emission Units **Sources**  
215.208 Testing Methods for Volatile Organic Material Content  
215.209 Exemption from General Rule on Use of Organic Material  
215.210 Alternative Compliance Schedule  
215.211 Compliance Dates and Geographical Areas  
215.212 Compliance Plan  
215.213 Special Requirements for Compliance Plan  
215.214 Roadmaster Emissions Limitations (Repealed)  
215.215 DMI Emissions Limitations

SUBPART H: SPECIAL LIMITATIONS FOR SOURCES IN MAJOR URBANIZED  
AREAS WHICH ARE NONATTAINMENT FOR OZONE

## Section

215.240 Applicability  
215.241 External Floating Roofs  
215.245 Flexographic and Rotogravure Printing  
215.249 Compliance Dates

## SUBPART I: ADJUSTED RACT EMISSIONS LIMITATIONS

## Section

215.260 Applicability  
215.261 Petition  
215.263 Public Hearing  
215.264 Board Action  
215.267 Agency Petition

## SUBPART K: USE OF ORGANIC MATERIAL

## Section

215.301 Use of Organic Material  
215.302 Alternative Standard  
215.303 Fuel Combustion Emission Sources  
215.304 Operations with Compliance Program

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215.438	Standards for Control Devices
215.439	Compliance Plan
SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES; ASPHALT MATERIALS	

Section	petroleum Refinery Waste Gas Disposal
215.441	Vacuum Producing Systems
215.442	Wastewater (Oil/Water) Separator
215.443	Process Unit Turnarounds
215.444	Leaks: General Requirements
215.445	Monitoring Program Plan for Leaks
215.446	Recordkeeping for Leaks
215.447	Reporting for Leaks
215.448	Alternative Program for Leaks
215.449	Sealing Device Requirements
215.450	Compliance Schedule for Leaks
215.451	Compliance Dates and Geographical Areas
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SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section	Manufacture of Pneumatic Rubber Tires
215.461	Green Tire Spraying Operations
215.462	Alternative Emission Reduction Systems
215.463	Emissions Testing
215.464	Compliance Dates and Geographical Areas
215.465	Compliance Plan
215.466	Testing Methods for Volatile Organic Material Content
215.467	

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section	Applicability of Subpart T
215.480	Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
215.481	Control of Air Dryers, Production Equipment Exhaust Systems and Filters
215.482	Material Storage and Transfer
215.483	In-Process Tanks
215.484	Leaks
215.485	Other Emission Sources
215.486	Testing
215.487	Monitors for Air Pollution Control Equipment
215.488	Recordkeeping (Renumbered)
215.489	

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215.305	Viscose Exemption (Repealed)
SUBPART N: VEGETABLE OIL PROCESSING	

Section	Hexane Extraction Soybean Crushing
215.340	Hexane Extraction Corn Oil Processing
215.342	Recordkeeping for Vegetable Oil Processes
215.344	Compliance Determination
215.345	Compliance Dates and Geographical Areas
215.346	Compliance Plan
215.347	

SUBPART P: PRINTING AND PUBLISHING

Section	Flexographic and Rotogravure Printing
215.401	Exemptions
215.402	Applicability of Subpart K
215.403	Testing and Monitoring (Repealed)
215.404	Compliance Dates and Geographical Areas
215.405	Alternative Compliance Plan
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215.407	Heatset Web Offset Lithographic Printing
215.408	Testing Methods for Volatile Organic Material Content
215.409	Emissions Testing
215.410	

SUBPART Q: LEAKS FROM SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING EQUIPMENT

Section	Applicability
215.420	General Requirements
215.421	Inspection Program Plan for Leaks
215.422	Inspection Program for Leaks
215.423	Repairing Leaks
215.424	Recordkeeping for Leaks
215.425	Report for Leaks
215.426	Alternative Program for Leaks
215.427	Compliance Dates
215.428	Compliance Plan
215.429	General Requirements
215.430	Inspection Program Plan for Leaks
215.431	Inspection Program for Leaks
215.432	Repairing Leaks
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215.435	Alternative Program for Leaks
215.436	Open-Ended Valves
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## 215.490 Compliance Schedule (Renumbered)

## SUBPART U: COKE MANUFACTURING AND BY-PRODUCT RECOVERY

## Section

215.500 Exceptions  
 215.510 Coke By-Product Recovery Plants  
 215.512 Coke By-Product Recovery Plant Leaks  
 215.513 Inspection Program  
 215.514 Recordkeeping Requirements  
 215.515 Reporting Requirements  
 215.516 Compliance Dates  
 215.517 Compliance Plan

## SUBPART V: AIR OXIDATION PROCESSES

## Section

215.520 Applicability  
 215.521 Definitions  
 215.525 Emission Limitations for Air Oxidation Processes  
 215.526 Testing and Monitoring  
 215.527 Compliance Date

## SUBPART W: AGRICULTURE

## Section

215.541 Pesticide Exception

## SUBPART X: CONSTRUCTION

## Section

215.561 Architectural Coatings  
 215.562 Paving Operations  
 215.563 Cutback Asphalt

## SUBPART Y: GASOLINE DISTRIBUTION

## Section

215.581 Bulk Gasoline Plants  
 215.582 Bulk Gasoline Terminals  
 215.583 Gasoline Dispensing Facilities - Storage Tank Filling Operations  
 215.584 Gasoline Delivery Vessels  
 215.585 Gasoline Volatility Standards  
 215.586 Emissions Testing

## SUBPART Z: DRY CLEANERS

## Section

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215.601 Perchloroethylene Dry Cleaners (Repealed)  
 215.602 Exemptions (Repealed)  
 215.603 Leaks (Repealed)  
 215.604 Compliance Dates and Geographical Areas (Repealed)  
 215.605 Compliance Plan (Repealed)  
 215.606 Exception to Compliance Plan (Repealed)  
 215.607 Standards for Petroleum Solvent Dry Cleaners  
 215.608 Operating Practices for Petroleum Solvent Dry Cleaners  
 215.609 Program for Inspection and Repair of Leaks  
 215.610 Testing and Monitoring  
 215.611 Exemption for Petroleum Solvent Dry Cleaners  
 215.612 Compliance Dates and Geographical Areas  
 215.613 Compliance Plan  
 215.614 Testing Method for Volatile Organic Material Content of Wastes  
 215.615 Emissions Testing

## SUBPART AA: PAINT AND INK MANUFACTURING

## Section

215.620 Applicability  
 215.621 Exemption for Waterbase Material and Heatset Offset Ink  
 215.623 Permit Conditions  
 215.624 Open-top Mills, Tanks, Vats or Vessels  
 215.625 Grinding Mills  
 215.628 Leaks  
 215.630 Clean Up  
 215.636 Compliance Date

## SUBPART BB: POLYSTYRENE PLANTS

## Section

215.875 Applicability of Subpart BB  
 215.877 Emissions Limitation at Polystyrene Plants  
 215.879 Compliance Date  
 215.881 Compliance Plan  
 215.883 Special Requirements for Compliance Plan  
 215.886 Emissions Testing

## SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

## Section

215.920 Applicability  
 215.923 Permit Conditions  
 215.926 Control Requirements

## SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

## Section

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- 215.940 Applicability
- 215.943 Permit Conditions
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SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

- Section
- 215.960 Applicability
- 215.963 Permit Conditions
- 215.966 Control Requirements
- APPENDIX A Rule into Section Table
- APPENDIX B Section into Rule Table
- APPENDIX C Past Compliance Dates
- APPENDIX D List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
- APPENDIX E Reference Methods and Procedures
- APPENDIX F Coefficients for the Total Resource Effectiveness Index (TRE) Equation

AUTHORITY: Implementing Sections 9.1 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/9.1, 10 and 27].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 205: Organic Material Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-3, 33 PCB 357, at 3 Ill. Reg. 18, p. 41, effective May 3, 1979; amended in R78-3 and R78-4, 35 PCB 75, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5 at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13601 Corrected at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective April 3, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at 11 Ill. Reg. 13541; amended in R82-14 and R86-12 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11 Ill. Reg. 19117, effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989; amended in R88-30(A) at 14 Ill. Reg. 3555, effective February 27, 1990; emergency amendments in R88-30A at 14 Ill. Reg. 6421, effective April 11, 1990, for a maximum of 150 days; amended in R88-19 at 14 Ill. Reg. 7596, effective May 8, 1990; amended in R89-16(A) at 14 Ill. Reg. 9173, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 3309, effective February 15, 1991; amended in R88-14 at 15 Ill. Reg. 8018, effective May 14, 1991; amended in R91-7 at 15 Ill. Reg. 12217, effective

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August 19, 1991; amended in R91-10 at 15 Ill. Reg. 15595, effective October 11, 1991; amended in R89-7(B) at 15 Ill. Reg. 17687, effective November 26, 1991; amended in R91-9 at 16 Ill. Reg. 3132, effective February 18, 1992; amended in R91-24 at 16 Ill. Reg. 13555, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13849, effective August 24, 1992; amended in R98-15 at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL PROVISIONS

Section 215.104 Definitions

The definitions of 35 Ill. Adm. Code 201 and 211 apply to this Part, as well as the definitions contained in this Section. Where the definition contained in this Section is more specific than that found in 35 Ill. Adm. Code 201 or 211, it shall take precedence in application of this Part.

"Binders":--Organic materials and resins which do not include volatile organic materials.

"Clear Topcoat":--The final coating which contains binders, but not opaque pigments, and is specifically formulated to form a transparent or translucent solid protective film.

"Conventional Soybean Crushing Source":--Any hexane extraction soybean crushing equipment that uses direct contact steam for desolventizing and producing toasted soy meals.

"Ethanol Blend Gasoline":--means a mixture of gasoline and at least 9% ethanol by volume.

"Furniture Coating Application Line": The combination of coating application equipment, flash-off area, spray booths, ovens, conveyors, and other equipment operated in a predetermined sequence for purpose of applying coating to wood furniture.

"Heatset":--A class of web offset lithography which requires a heated dryer to solidify the printing inks.

"Heavy Liquid":--Liquid with a true vapor pressure of less than 0.3 kPa (0.04 psi) at 294.30 K (70°F) established in a standard reference test or as determined by ASTM Method D-2879, or which has 0.1 Reid Vapor Pressure as determined by ASTM Method D-323, or which when distilled requires a temperature of 421.95 K (300°F) or greater to recover 10% of the liquid as determined by ASTM Method D-86.

"In Vacuum Service": For the purposes of Subpart Q, Sections 215.430 through 215.438 equipment which is operating at an internal pressure that is at least 5 kPa (0.73 psia) below ambient pressure.



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"Bright-Liquid":--Volatile-organic-material-in-the-liquid-state-which is-not-defined-as-heavy-liquid.

"Bright-Oil":--A-liquid-condensed-or-absorbed-from-coke-oven-gas composed-of-benzene,toluene,and-xylene.

"Material-Recovery-Section":--Any-equipment-designed-to-transport-and-recover-styrene-monomer-and-other-impurities-from-other-products-and-by-products-in-a-polystyrene-plant,-including-but-not-limited-to-the styrene-devolatilizer-unit-and-styrene-recovery-unit.

"Offset":--Use-of-a-blanket-cylinder-to-transfer-ink-from-the-plate cylinder-to-the-surface-to-be-printed.

"Opaque Stains": All stains containing pigments not classified as semi-transparent stains including stains, glazes and other opaque material to give character to wood.

"Open-Ended/Valve": Any-valve,-except-pressure-relief-devices,-having one-side-of-the-valve-in-contact-with-process-fluid-and-one-side-open to-the-atmosphere-either-directly-or-through-open-piping.

"Pigments-Coatings":--Opaque-coatings-containing-binders-and-colored pigments-which-are-formulated-to-conceal-the-wood-surface-either-as-an undercoat-or-topcoat.

"Polystyrene-Plant":--Any-plant-using---styrene---to---manufacture polystyrene-resin.

"Polystyrene-Resin":--A-substance-consisting-of-styrene-polymer-and additives-which-is-manufactured-at-a-polystyrene-plant.

"Reid vapor pressure": is the standardized measure of the vapor pressure of a liquid in pounds per square inch absolute (psia) (kpa) at 100° F (37.8° C).

"Repair-Coatings":--Coatings-to-correct--imperfections--or--damage--to furniture-surface.

"Repaired":--For--the--purposes-of-Subpart-07-Sections-215-430-through 215-439-equipment-component-which-is-adjusted,-or-otherwise--altered- to-eliminate-a-leak.

"Retail-Outlet":--means--any--gasoline--dispensing--facility-at-which gasoline-is-sold-or-offered-for-sale-for-use-in-motor-vehicles.

"Sealer":--Coating-containing-binders-which-seals-the-wood--prior--to application-to-subsequent-coatings.

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"Semi-transparent-Stains":--Stains-containing-dyes-or-semi-transparent pigments-which-are-formulated--to-enhance-wood-grain-and-change-the color-of-the-surface-but-not-to-conceal-the-surface--including--but not-limited-to--sap-stain,-toner,-non-grain-raising-stains,-pad-stain,- spatter-stain.

"Specialty--Soybean-Crushing--Source":--Any-hexane-extraction-soybean crushing-equipment-using-indirect-steam-heat-in-flash-or-vapor desolventizers-as-the-primary-method-of-desolventizing-and-producing specialty-solvent-extracted-soy-flakes,-grits-or-flour.

"Styrene-Devolatilizer-Unit":--Equipment-performing--the--function--of separating--unreacted--styrene-monomer--and-other-volatile-components from-polystyrene-in-a-vacuum-devolatilizer.

"Styrene-Recovery-Unit":--Equipment--performing--the--function--of separating--styrene-monomer-from-other-less-volatile-components-of-the styrene-devolatilizer-unit's-output--the-separated-styrene-monomer may-be-reused-as-a-raw-material-in-the-polystyrene-plant.

"Wash-Coat":--Coating-containing-binders-which-seals-wood-surfaces prevents-undesired-staining-and-controls-penetration.

"Web":--A-substrate-which-is-printed-in-continuous-roll-fed-presses.

"Wholesale-Purchaser-Consumer":--means-any-person-or-organization-that purchases-or-obtains-gasoline-from-a-supplier-for-ultimate-consumption or-use-in-motor-vehicles-and-receives-delivery-of-the-gasoline-into-a storage-tank-with-a-capacity-of-at-least-550-gallons-(2082-liters) owned-and-controlled-by-that-person.

"Wood-Furniture":--Room-furnishings-including-cabinets-(kitchen--bath and-vanity)-tables,-chairs,-beds,-sofas,-shutters,-art-objects,-wood paneling,-wood-flooring,-and-any-other-coated-furnishings-made-of wood,-wood-composition-or-fabricated-wood-materials.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 215.109 Monitoring for Negligibly-Reactive Compounds

Any provision of 35 Ill. Adm. Code 211 notwithstanding, the Agency may require an owner or operator to submit monitoring or testing methods and results for any of the compounds listed at 35 Ill. Adm. Code 211.7150122 as exempted from the definition of "volatile organic material" demonstrating the amount of exempted compounds in the source's emissions, as a precondition to such exemption, where direct quantification of volatile organic material emissions is not possible due to any of the following circumstances which make it

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necessary to quantify the exempt compound emissions in order to quantify volatile organic material emissions:  
a) VOMs and exempted compounds are mixed together in the same emissions;  
b) There are a large number of exempted compounds in the same emissions; or  
c) The chemical composition of the exempted compounds in the emissions is not known.  
Board Note: Derived from the USEPA "Recommended Policy on the Control of Volatile Organic Compounds", as amended at 56 Fed. Reg. 11418, March 18, 1991, and subsequently codified as 40 CFR 51.100(s), as added at 57 Fed. Reg. 3941 (Feb. 3, 1992). See also 35 Ill. Adm. Code 211.7150422 for the basic definition of "volatile organic material." USEPA is not bound by any state determination as to monitoring. 40 CFR 51.100(s)(4).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART F: COATING OPERATIONS

Section 215.204 Emission Limitations for Manufacturing Plants

No owner or operator of a coating line shall cause or allow the emission of volatile organic material to exceed the following limitations on coating materials, excluding water and any compounds which are specifically exempted from the definition of volatile organic material pursuant to this Part, delivered to the coating applicator:

- a) Automobile or Light Duty Truck Manufacturing Plants
- |  | kg/t | lb/gal |
|--|------|--------|
| 1) In Cook County  |      |        |
| Prime-coat   | 0-14 | (1-2)  |
| Prime-surfacer-coat  | 0-34 | (2-8)  |
| BOARD-NOTE:--The prime-surfacer-coat-limitation-is-based-upon-a transfer-efficiency-of-30-percent---The-prime-surfacer-coat limitation-shall-not-apply-until-December-31-1982--> |      |        |
| Top-coat   | 0-34 | (2-8)  |
| BOARD-NOTE: The limitation-is-based-upon-a-transfer-efficiency of-30-percent---The-top-coat-limitation-shall-not-apply-until December-31-1985-->                                 |      |        |
| Final-repair-coat  | 0-50 | (4-8)  |
| BOARD-NOTE:--The-limitation-shall-not-apply-until-December-31-1985-->  |      |        |
| 12) In Boone County  | kg/l | lb/gal |
| Prime coat   | 0.14 | (1.2)  |
| Prime coat surfacer  | 0.34 | (2.8)  |
| Top coat   | 0.34 | (2.8)  |
| BOARD NOTE: The top coat limitation shall not apply if by December 31, 1984 a limitation of 0.43 kg/l (3.6 lb/gal) is  |      |        |

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achieved and the top coat is applied with a transfer efficiency of not less than 55 percent and by December 31, 1986, the top coat is applied with a transfer efficiency of not less than 65 percent)  
Final repair coat 0.58 (4.8)

- 23) In the remaining counties
- |  | kg/l | lb/gal |
|--|------|--------|
| Prime coat   | 0.14 | (1.2)  |
| Prime surfacer coat  | 0.34 | (2.8)  |
| Top coat   | 0.34 | (2.8)  |
| Final repair coat  | 0.58 | (4.8)  |
| Can Coating  | kg/l | lb/gal |
| 1) Sheet basecoat and Overvarnish  | 0.34 | (2.8)  |
| 2) Exterior basecoat and overvarnish   | 0.34 | (2.8)  |
| 3) Interior body spray coat  | 0.51 | (4.2)  |
| 4) Exterior end coat   | 0.51 | (4.2)  |
| 5) Side seam spray coat  | 0.66 | (5.5)  |
| 6) End sealing compound coat   | 0.44 | (3.7)  |
| Paper Coating  | kg/l | lb/gal |
| 1) All paper coating except as provided in subsection (c)(2)   | 0.35 | (2.9)  |
| 2) Specialty High Gloss Catalyzed Coating  | 0.42 | (3.5)  |
| BOARD NOTE: These limitations shall not apply to equipment used for both printing and paper coating)   |      |        |
| d) Coil Coating  | 0.31 | (2.6)  |
| e) Fabric Coating  | 0.35 | (2.9)  |
| f) Vinyl Coating   | 0.45 | (3.8)  |
| g) Metal Furniture Coating   | 0.36 | (3.0)  |
| h) Large Appliance Coating   | 0.34 | (2.8)  |
| BOARD NOTE: The limitation shall not apply to the use of quick-drying lacquers for repair of scratches and nicks that occur during assembly, provided that the volume of coating does not exceed 0.95 liters (1 quart) in any one eight-hour period) |      |        |
|  | kg/l | lb/gal |
| i) Magnet Wire Coating   | 0.20 | (1.7)  |
| j) Miscellaneous Metal Parts and Products Coating  |      |        |
| 1) Clear coating   | 0.52 | (4.3)  |
| 2) Air dried coating   | 0.42 | (3.5)  |
| 3) Extreme performance coating   | 0.42 | (3.5)  |



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- 4) Power driven fastener coating
- A) Nail coating Refer to limits in (j)(1), (2), (3) and (5)
- B) Staple, brad and finish nail unit fabrication bonding coating 0.64 (5.3)
- C) Staple, brad and finish nail incremental fabrication lubricity coating 0.64 (5.3)
- D) Staple, brad and finish nail incremental fabrication withdrawal resistance coating 0.60 (5.0)
- E) Staple, brad and finish nail unit fabrication coating 0.64 (5.3)  
0.36 (3.0)
- 5) All other coatings (5.3) (3.0)
- (BOARD NOTE: The least restrictive limitation shall apply if more than one limitation pertains to a specific coating)
- k) Heavy Off-highway Vehicle Products
- 1) In Cook, DuPage, Kane, Baker, Macoupin, Madison, McHenry, Montezuma, St. Clair and Will counties Macoupin County
- Extreme Performance prime coat 0.42 (3.5)
- Extreme performance top coat-air dried 0.42 (3.5)
- Final repair coat-air dried 0.42 (3.5)
- High-temperature aluminum coating used at existing diesel-electric locomotive manufacturing plants 0.72 (6.0)
- 2) In the remaining counties
- Extreme performance prime coat 0.42 (3.5)
- Extreme performance top coat-air dried 0.52 (4.3)
- Final repair coat-air dried 0.58 (4.8)
- 1) Wood Furniture Coating
- 1) Clear topcoat 0.67 (5.6)
- 2) Opaque stain 0.56 (4.7)
- 3) Pigmented coat 0.60 (5.0)
- 4) Repair coat 0.67 (5.6)
- 5) Sealer 0.67 (5.6)
- 6) Semi-transparent stain 0.79 (6.6)

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- 7) Wash coat 0.73 (6.1)
- m) Existing Diesel-Electric Locomotive Coating-Bines-in Cook County
- 1) Extreme-performance prime coat 0.42 (3.5)
- 2) Extreme-performance top coat-air dried 0.52 (4.3)
- 3) Final repair coat-air dried 0.58 (4.8)
- 4) High-temperature aluminum coating 0.72 (6.0)
- 5) All other coatings 0.36 (3.0)
- (BOARD NOTE: The repair coat has overall transfer efficiency of 30 percent; all others have an overall transfer efficiency of 65 percent.)

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 215.205 Alternative Emission Limitations

Owners or operators of coating lines subject to Section 215.204 may comply with this Section, rather than with Section 215.204. The methods or procedures used to determine emissions of organic material under this Section shall be approved by the Agency. Emissions of volatile organic material from emission units **sources** subject to Section 215.204, are allowable, notwithstanding the limitations in Section 215.204, if:

- a) For those emission units sources subject to Section 215.204(b), the emissions are controlled by an afterburner system which provides:
- 1) 75% reduction in the overall emissions of volatile organic material from the coating line, and
  - 2) Oxidation to carbon dioxide and water of 90% of the nonmethane volatile organic material (measured as total combustible carbon) which enters the afterburner.
- b) For all other emission units sources subject to Section 215.204, the emissions are controlled by an afterburner system which provides:
- 1) 81% reduction in the overall emissions of volatile organic material from the coating line, and
  - 2) Oxidation to carbon dioxide and water of 90% of the nonmethane volatile organic material (measured as total combustible carbon) which enters the afterburner.
- c) The system used to control such emissions is demonstrated to have control efficiency equivalent to or greater than that provided under the applicable provision of Section 215.204 or subsection **sources** (a) or (b).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 215.206 Exemptions from Emission Limitations

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required to be kept under this subsection (c) and make such records available to the Agency upon request; and

6) Notify the Agency in writing if the use of touch-up and repair coatings at the source ever exceeds a volume of 0.95 l (1 quart) per eight-hour period or exceeds 209 l/yr (55 gal/yr) for any rolling twelve-month period within 30 days after such exceedance. Such notification shall include a copy of any records of such exceedance.

- d) "Touch-up and repair coatings" means, for purposes of this Section, any coating used to cover minor scratches and nicks that occur during manufacturing and assembly processes.
- ec) Notwithstanding the limitations of Section 215.204(k)(2), the John Deere Harvester-Moline Works of Deere & Company, Moline, Illinois, shall not cause or permit the emission of volatile organic material from its existing green and yellow floccating operations to exceed a weekly average of 6.2 lb/gal.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 215.207 Compliance by Aggregation of Emission Units Sources

- a) Owners or operators of coating lines subject to Section 215.204 may comply with this Section rather than with Section 215.204. The methods or procedures used to determine emissions of volatile organic material under this Section shall be approved by the Agency in accordance with 35 Ill. Adm. 201. Emissions of volatile organic material from sources subject to Section 215.204 are allowable, notwithstanding the limitations in Section 215.204, if the combined actual emissions from selected coating lines at the coating plant, but not including coating lines or other emission sources constructed or modified after July 1, 1979, is less than or equal to the combined allowable emissions as determined by the following equations:

$$E(ALL) = \sum_{j=1}^m \sum_{i=1}^n (A[i]B[i])(j)$$

$$E(ACT) = \sum_{j=1}^m \sum_{i=1}^n (C[i]B[i](1 - D[i]))(j)$$

- b) A[i] shall be determined by the following formula:

$$A[i] = \frac{R[i]}{1 - (R[i]/S[i])}$$

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- a) The limitations of this Subpart shall not apply to:
- 1) Coating plants in which ~~whose~~ emissions of volatile organic material as limited by the operating permit will not exceed 22.7 Mg/year (25 T/year), in the absence of air pollution control equipment; or

- 2) Coating plants in which the total coating usage does not exceed 9,463 l/yr (2,500 gal/yr); or
- 32) Sources used exclusively for chemical or physical analysis or determination of product quality and commercial acceptance provided that:
- A) The operation of the source is not an integral part of the production process;
- B) The emissions from the source do not exceed 363 kg (800 lbs) in any calendar month; and
- C) The exemption is approved in writing by the Agency.

- b) The limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described in Section 215.204(b), (d), (f), (g), (i), and (j) of this Subpart; provided that the source-wide volume of such coatings does not exceed 0.95 l (1 quart) per eight-hour period or exceed 209 l/yr (55 gal/yr) for any rolling twelve-month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (c) of this Section.

- b) ~~The limitations of Section 215.204(j) shall not apply to the Waukegan Illinois facilities of the Outboard Marine Corporation, 901 Long-as the emissions of volatile organic material related to the surface coating of miscellaneous metal parts and products at these facilities do not exceed 35 tons per year.~~

- c) The owner or operator of a coating line or a group of coating lines using touch-up and repair coatings that are exempted from the limitations of Section 215.204(b), (d), (f), (g), (i), and (j) of this Subpart because of the provisions of subsection (b) of this Section shall:

- 1) Collect and record the name, identification number, and volume of each touch-up and repair coating, as applied on each coating line, per eight-hour period and per month;
- 2) Perform calculations on a daily basis, and maintain at the source, records of such calculations of the combined volume of touch-up and repair coatings used source-wide for each eight-hour period;
- 3) Perform calculations on a monthly basis, and maintain at the source, records of such calculations of the combined volume of touch-up and repair coatings used source-wide for the month and the rolling twelve-month period;
- 4) Prepare and maintain at the source an annual summary of the information required to be compiled pursuant to subsection (b) of this Section on or before January 31 of the following year;
- 5) Maintain at the source for a minimum of three years all records



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c) As used in subsection (a) and (b), symbols mean the following:

E[ALL] = the allowable volatile organic material emissions from the coating plant in kg/day (lb/day).

A[i] = the allowable emission limit for a coating pursuant to Section 215.204 expressed in kg/l (lbs/gal) of coating solids

B[i] = the volume of coating solids in l/day (gal/day) in a coating as delivered to the coating line.

m = the number of coating lines included in the combined emission rate.

n = the number of different coatings delivered to a coating line.

E[ACT] = the actual volatile organic material emissions from the coating plant in kg/day (lbs/day)

C[i] = the weight of volatile organic material per volume of solids in kg/l (lb/gal) for a coating.

D[i] = the control efficiency by which emissions of volatile organic material from a coating are reduced through the use of control equipment.

R[i] = the applicable volatile organic material emission limit pursuant to Section 215.204, for a coating in kg/l (lb/gal).

S[i] = the density of the volatile organic material in a coating in kg/l (lb/gal).

d) The owner or operator of the coating plant shall maintain records of the density of the volatile organic material in each coating, the quantity and volatile organic material and solids content of each coating applied and the line to which coating is applied, in such a manner so as to demonstrate continuing compliance with the combined allowable emissions.

e) Except for emission units sources subject to Section **Sections** 215.301 or 215.302, credits from emission units sources at the coating plant that are subject to this Part, other than coating lines, may be given to the extent that emissions are reduced from the allowable emission limits for such emission units sources contained in either this Part

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or any existing operating permit, whichever limit is less.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 215.211 Compliance Dates and Geographical Areas

a) Except as otherwise stated in subsection (b), every owner or operator of an emission unit source subject to Section 215.204(j), (k)(1), or (m) shall comply with those subsections **sections** in accordance with the following dates:

1) For Section 215.204(j) and (k)(2) Extreme performance prime coat and Final repair coat - air dried, by December 31, 1983.

2) For Section 215.204(k)(1) and (m), by December 31, 1987.

3) For Section 215.204(k)(2) Extreme performance top coat - air dried, in accordance with Section 215.210.

4) For Section 215.204(l), by December 31, 1985.

b) If an emission unit source is not located in one of the nonattainment counties or counties contiguous to nonattainment counties listed below, the owner or operator of the emission unit source shall comply with the requirements of Section 215.204(j), (k) or (l) no later than December 31, 1987:

Bond	Madison
Clinton	McHenry
Cook	Montee
DeKalb	Montgomery
DuPage	Morgan
Franklin	Pope
Greene	Randolph
Jackson	Saline
Jersey	Sangamon
Johnson	St. Clair
Kane	Union
Kendall	Washington
Lake	Will
Macoupin	Williamson

(BOARD NOTE: Counties are designated as attainment or nonattainment for ozone by the United States Environmental Protection Agency (USEPA). The USEPA noted in its redesignation rulemaking, that it will publish a rulemaking notice on Williamson County's attainment status. (45 Fed. Reg. 21949, May 16, 1983.) Should Williamson County be redesignated as attainment prior to October 31, 1985, it and the counties contiguous to it will be considered deleted from the above list.)

c) Notwithstanding subsection (b), if any county is designated as nonattainment by the USEPA at any time subsequent to the effective date of this rule, the owner or operator of an emission source located in that county or any county contiguous to that county who would

that includes a summary of its efforts during the preceding calendar year as those efforts relate to Roadmaster's compliance with the foregoing conditions contained in subsections (j) and (k) above; d) if Roadmaster locates a compliant paint that it can successfully use in its existing flowcoating operations, and the net annual expense of using the compliant paint is not more than 10 percent greater than the then current net annual expense incurred in the existing painting process, Roadmaster shall convert its present flowcoating operations to the use of that paint within 180 days after the final successful testing of such a paint; and e) this Section shall expire on January 1, 2000, at which time Roadmaster shall comply with the provisions that generally apply to VOC emissions.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART 2: DRY CLEANERS

Section 215.601 Perchloroethylene Dry Cleaners (Repealed)

The owner or operator of a dry cleaning facility which uses perchloroethylene shall: a) Vent the entire dryer exhaust through a properly designed and functioning carbon adsorption system or equally effective control device; and b) Emit no more than 100 ppmv of volatile organic material from the dryer control device before dilution or achieve a 99 percent average reduction before dilution; and c) Immediately repair all components found to be leaking liquid volatile organic material; and d) Cook or treat all diatomaceous earth filters so that the residue contains 25 kg (55 lb) or less of volatile organic material per 100 kg (220 lb) of wet waste material; and e) Reduce the volatile organic material from all solvent stills to 60 kg (132 lb) or less per 100 kg (220 lb) of wet waste material; and f) Drain all filtration cartridges in the filter housing or other sealed container for at least 24 hours before discarding the cartridges; and g) Buy all drained filtration cartridges in equipment connected to a carbon absorption system meeting the requirements of subsections (a) and (b) or an emission reduction system or in a manner that will eliminate emission of volatile organic material to the atmosphere.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 215.602 Exemptions (Repealed)

otherwise be subject to the compliance date in subsection (b) shall comply with the requirements of Section 215.204(j), (k) or (l) within one year from the date of redesignation but in no case later than December 31, 1987.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 215.212 Compliance Plan

- a) The owner or operator of an emission unit source subject to Section 215.211(a) (1) or (3) shall submit to the Agency a compliance plan on or before August 19, 1983.
- b) The owner or operator of an emission unit source subject to Section 215.211(a)(4) shall submit to the Agency a compliance plan on or before October 31, 1985.
- c) The owner or operator of an emission unit source subject to Section 215.211(b) shall submit to the Agency a compliance plan, no later than December 31, 1986.
- d) The owner or operator of an emission unit source subject to Section 215.211(c) shall submit a compliance plan within 90 days after the date of redesignation, but in no case later than December 31, 1986.
- e) The owner or operator of an emission unit source subject to Section 215.211(c) shall not be required to submit a compliance plan if redesignation occurs after December 31, 1986.
- f) The plan and schedule shall meet the requirements of 35 Ill. Adm. Code 201.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 215.214 Roadmaster Emissions Limitations (Repealed)

Notwithstanding the limitations of Section 215.204(f)(3), the Roadmaster Corporation, Quincy, Illinois, shall not cause or permit the emission of volatile organic material from its existing black and white flowcoating operations to exceed a weekly average of 5.9 lb/gal. Roadmaster shall fulfill all of the following conditions:

- a) Roadmaster shall contact at least three paint vendors each year in a continuing search for a compliant coating that it can successfully use in its existing flowcoating operations, including any paint vendors suggested by the Agency in a writing delivered to Roadmaster by certified mail;
- b) if any vendor provides Roadmaster with laboratory test results which demonstrate that Roadmaster may be able to use the vendor's paint in its existing flowcoater and oven as a substitute for the existing paint, Roadmaster will conduct production tests of that paint;
- c) Roadmaster will submit a report to the Agency by March 1 of each year



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The provisions of Section 215.601 are not applicable to perchloroethylene dry cleaning operations which are coin-operated or to dry cleaning facilities consuming less than 30 gallons per month (360 gallons per year) of perchloroethylene.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 215.603 Leaks (Repealed)**

The presence of leaks shall be determined for purposes of Section 215.601 (c) by a visual inspection of the following: hose connections, unions, couplings and valves; machine door gaskets and seatings; filter head gasket and seatings; pump; base tanks and storage containers; water separators; filter sludge recovery; distillation unit; diverter valves; saturated lint from lint baskets; and cartridge filters.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 215.604 Compliance Dates and Geographical areas (Repealed)**

a) Except as otherwise stated in subsection (b) every owner or operator of an emission source subject to this Subpart shall comply with its standards and limitations in accordance with the following dates:

1) For Sections 215.601(a) through 215.601(c) by December 31, 1983;  
2) For Sections 215.601(d) through 215.601(g) by May 17, 1983.

b) If an emission source is not located in one of the counties listed below and is also not located in any county contiguous thereto, the owner or operator of the emission source shall comply with the requirements of Sections 215.601 through 215.603 no later than December 31, 1987:

Cook	Macoupin
DuPage	Madison
Kane	Monroe
Lake	Saint Clair

(B)ARB-N09B2--these counties are proposed to be designated as nonattainment by the USBA at 47 Fed. Reg. 31580, July 21, 1982.)

c) Notwithstanding subsection (b) above, if any county is designated as nonattainment by the USBA at any time subsequent to the effective date of this Section, the owner or operator of an emission source located in that county or any county contiguous to that county who would otherwise be subject to the compliance date in subsection (b) shall comply with the requirements of Sections 215.601 through 215.603 within one year from the date of redesignation but in no case later than December 31, 1987.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 215.605 Compliance Plan (Repealed)**

a) The owner or operator of an emission source subject to Section 215.604(a) shall submit to the Agency a compliance plan pursuant to 35 Ill. Adm. Code 2017 Subpart H, including a project completion schedule where applicable no later than for Section 215.601(a) and (b) April 21, 1983.

b) The owner or operator of an emission source subject to Section 215.604(b) shall submit to the Agency a compliance plan including a project completion schedule where applicable no later than December 31, 1986.

c) The owner or operator of an emission source subject to Section 215.604(c) shall submit a compliance plan including a project completion schedule within 90 days after the date of redesignation but in no case later than December 31, 1986.

d) Unless the submitted compliance plan or schedule is disapproved by the Agency, the owner or operator of a facility or emission source subject to the rules specified in subsections (a), (b) or (c) may operate the emission source according to the plan and schedule as submitted.

e) The plan and schedule shall meet the requirements of 35 Ill. Adm. Code 2017 Subpart H, including specific interim dates as required in 35 Ill. Adm. Code 201.242.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 215.606 Exception to Compliance Plan (Repealed)**

Coin-operated dry cleaning operations and dry cleaning facilities consuming less than 30 gallons per month (360 gallons per year) of perchloroethylene are not required to submit or obtain an Agency approved compliance plan or project completion schedule.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PROFESSIONAL REGULATION

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- 1) Heading of the Part: Environmental Health Practitioner Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1247
- 3) Section Numbers:  
Proposed Action:  
1247.100 New Section
- 4) Statutory Authority: The Environmental Health Practitioner Licensing Act [225 ILCS 37].
- 5) A Complete Description of the Subjects and Issues Involved: Section 27 of the Act requires licensees to complete continuing education as a requirement for renewal. This proposed rulemaking implements that provision.
- 6) Will these proposed amendments replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing the services of environmental health practitioners and those wishing to become continuing education sponsors.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

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- C) Types of professional skills necessary for compliance: Environmental health practitioner skills are required for licensure.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998
- The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF PROFESSIONAL REGULATION

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
 SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

## PART 1247

## ENVIRONMENTAL HEALTH PRACTITIONER LICENSING ACT

## Section

- 1247.10 Application for Licensure as an Environmental Health Practitioner Under Section 21(a) or (b) of the Act (Grandfather)
- 1247.20 Application for Examination/Licensure
- 1247.30 Examination
- 1247.40 Approved Programs of Environmental Health Practitioners
- 1247.50 Experience
- 1247.60 Endorsement
- 1247.70 Renewal
- 1247.80 Inactive Status
- 1247.90 Restoration
- 1247.100 Continuing Education
- 1247.110 Granting Variances

AUTHORITY: Implementing the Environmental Health Practitioner Licensing Act [225 ILCS 37] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 20 Ill. Reg. 2400, effective January 29, 1996; amended at 21 Ill. Reg. 16038, effective November 24, 1997; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1247.100 Continuing Education

## a) Continuing Education Hours Requirements

- 1) Beginning with the April 30, 2000 renewal and every renewal thereafter, in order to renew a license as an environmental health practitioner, a licensee shall be required to complete 20 hours of continuing education (CE) relevant to the practice of environmental health.
- 2) A prerenewal period is the 24 months preceding April 30 of each even-numbered year.
- 3) One CE hour shall equal 60 minutes of attendance. After completion of the initial CE hour, credit may be given in one-half hour increments.
- 4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
- 5) Environmental health practitioners licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
- 6) Continuing education credit hours used to satisfy the CE

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requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.

- b) Approved Continuing Education
- 1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor meeting the requirements set forth in subsection (c) below, except for those activities provided in subsections (b)(2), (3), (4) and (5) below.
  - 2) A maximum of 10 CE credits per prerenewal period may be earned for completion of a correspondence course that is offered by an approved sponsor meeting the requirements set forth in subsection (c) below. Each correspondence course shall include an examination.
  - 3) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of environmental health related courses that are a part of the curriculum of a college, university or graduate school. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
  - 4) CE credit may be earned for verified teaching in the field of environmental health in an accredited college, university or graduate school and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 2 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program). A maximum of 10 hours of CE credit may be obtained in this category per prerenewal period.
  - 5) CE credit may be earned for authoring papers, publications, dissertations or books and for preparing presentations and exhibits in the field of environmental health. The preparation of each published paper, book, chapter or professional presentation dealing with environmental health may be claimed as 5 hours of credit. A presentation must be before an audience of professionals. Five credit hours may be claimed for only the first time the information is published or presented.
- c) Approved CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean:
    - A) American Association of Safety Engineers
    - B) American Public Health Association
    - C) American Society of Safety Engineers
    - D) Associated Illinois Milk, Food and Environmental Sanitarians
    - E) Association of Food and Drug Officials
    - F) Conference for Food Protection

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- G) Illinois Association of Environmental Health Directors
- H) Illinois Association of Ground Water Professionals
- I) Illinois Association of Public Health Administrators
- J) Illinois Environmental Health Association and Affiliates
- K) Illinois Public Health Association
- L) Interstate Shellfish Shippers Conference
- M) National Conference of Interstate Milk Shippers
- N) National Environmental Health Association and Affiliates
- O) National Restaurant Association and Educational Foundation
- P) National Sanitation Foundation International
- Q) North Central Association of Food and Drug Officials
- R) Underwriters Laboratory
- S) State and federal agencies
- T) Any other accredited school, college or university, or any other person, firm, or association, applying pursuant to subsection (c)(2) below and has been approved and authorized by the Department to coordinate and present continuing education courses and programs in conjunction with this Section.

- 2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Department, along with a \$500 application fee. (State agencies, State colleges, State universities and county and local health departments in Illinois shall be exempt from paying this fee.) The application shall include:

- A) Certification:
  - i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;
  - ii) That the sponsor shall be responsible for verifying full-time continuous attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9) below;
  - iii) That, upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;
  - iv) That each sponsor shall submit to the Department written notice of program offerings, including program offerings of subcontractors, 30 days prior to course dates. Notice shall include the description, location, date and time of the program to be offered;
- B) A copy of a sample program, including course materials, syllabi and a list of faculty.

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- 3) All programs shall:

- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in practice of environmental health;
- B) Foster the enhancement of general or specialized practice and values of environmental health;
- C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
- D) Specify the course objectives, course content and teaching methods to be used; and
- E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.

- 4) Each CE program shall provide a mechanism for evaluation of the program and instructor to be completed by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor shall review together the evaluation outcome and revise subsequent programs accordingly.

- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.

- 6) All programs given by approved sponsors shall be open to all licensed environmental health practitioners and not be limited to members of a single organization or group.

- 7) To maintain approval as a sponsor, each sponsor shall submit to the Department by April 30 of each even numbered year a renewal application, a \$250 fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontractor.

- 8) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:

- A) The name, address and license number of the sponsor;
- B) The name and address of the participant;
- C) A brief statement of the subject matter;
- D) The number of hours attended in each program;
- E) The date and place of the program; and



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- F) The signature of the sponsor.  
9) The sponsor shall maintain attendance records for not less than 5 years.  
10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.  
11) Upon the failure of a sponsor to comply with any of the preceding requirements of this Section, the Department, after notice to the sponsor and hearing before the Board and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of compliance with this Section.  
12) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
- d) Certification of Compliance with CE Requirements  
1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.  
2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.  
3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Continuing Education Earned in Other Jurisdictions  
1) If a licensee has earned or is seeking CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.  
2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval and disapproval of the program

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- using the criteria set forth in subsection (c)(3) of this Section.  
f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 13(4) and (5) of the Act.  
g) Waiver of CE Requirements  
1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 13(3) of the Act, a statement setting forth the facts concerning non-compliance and a request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.  
2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:  
A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;  
B) An incapacitating illness documented by a statement from a currently licensed physician;  
C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or  
D) Any other similar extenuating circumstances.  
3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.
- (Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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seeking to become continuing education sponsors.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: Medical or  
chiropractic skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:

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1) Heading of the Part: Medical Practice Act of 1987

2) Code Citation: 68 Ill. Adm. Code 1285

3) Section Numbers: Proposed Action:  
1285.110 Amendment

4) Statutory Authority: Medical Practice Act of 1987 [225 ILCS 60]

5) A Complete Description of the Subjects and Issues Involved: Section 20 of the Medical Practice Act directs the Department to promulgate rules for 50 hours per year of continuing medical education (CME) for persons licensed under the Act; these proposed amendments implement this provision. For the July 31, 1999 renewal, licensees will be required to complete 50 hours of CME taken on or after July 1, 1997. Beginning with the July 31, 2002 renewal and every renewal thereafter, licensees will be required to complete 50 hours of CME per year for a total of 150 hours per prerenewal period.

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes, at 21 Ill. Reg. 15088, December 1, 1997.

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813; Fax: 217/782-7645

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing medical services and those



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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1285  
MEDICAL PRACTICE ACT OF 1987  
SUBPART A: MEDICAL LICENSING, RENEWAL  
AND RESTORATION PROCEDURE

Section  
1285.20 Six (6) Year Post-Secondary Programs of Medical Education  
1285.20 Programs of Chiropractic Education  
1285.30  
1285.30 Approved Postgraduate Training Programs  
1285.40  
1285.40 Application for Examination  
1285.50  
1285.60 Examinations  
1285.60  
1285.70 Application for a License on the Basis of Examination  
1285.70  
1285.80 Licensure by Endorsement  
1285.80  
1285.90 Temporary Licenses  
1285.90  
1285.91 Visiting Resident Permits  
1285.91  
1285.95 Clinical Skills Standards for Applicants Having Graduated More Than  
Five (5) Years Prior to Application  
1285.100  
1285.100 Visiting Professor Permits  
1285.101  
1285.101 Visiting Physician Permits  
1285.105  
1285.105 Chiropractic Physician Preceptorship  
1285.110  
1285.110 Continuing Medical Education (CME)  
1285.120  
1285.120 Renewals  
1285.130  
1285.130 Restoration and Inactive Status  
1285.140  
1285.140 Granting Variances

SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

Section  
1285.200 Medical Disciplinary Board  
1285.205  
1285.205 Complaint Committee  
1285.210  
1285.210 The Medical Coordinator  
1285.215  
1285.215 Complaint Handling Procedure  
1285.220  
1285.225 Informal Conferences  
1285.225  
1285.225 Consent Orders  
1285.230  
1285.230 Summary Suspension  
1285.235  
1285.235 Mandatory Reporting of Impaired Physicians by Health Care  
Institutions  
1285.240  
1285.240 Standards  
1285.245  
1285.245 Advertising  
1285.250  
1285.250 Monitoring of Probation and Other Discipline and Notification  
1285.255  
1285.255 Rehabilitation  
1285.260  
1285.260 Fines  
1285.265  
1285.265 Subpoena Process of Medical and Hospital Records

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1285.270 Inspection of Physical Premises  
1285.275 Failing to Furnish Information  
SUBPART C: GENERAL INFORMATION

Section  
1285.310 Public Access to Records and Meetings  
1285.320 Response to Hospital Inquiries  
1285.330 Rules of Evidence

AUTHORITY: Implementing the Medical Practice Act of 1987 [225 ILCS 60] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 13 Ill. Reg. 483, effective December 29, 1988; emergency amendment at 13 Ill. Reg. 651, effective January 1, 1989, for a maximum of 150 days; emergency expired May 31, 1989; amended at 13 Ill. Reg. 10613, effective June 16, 1989; amended at 13 Ill. Reg. 10925, effective June 21, 1989; emergency amendment at 15 Ill. Reg. 7785, effective April 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 13365, effective September 3, 1991; amended at 15 Ill. Reg. 17724, effective November 26, 1991; amended at 17 Ill. Reg. 17191, effective September 27, 1993; expedited correction at 18 Ill. Reg. 312, effective September 27, 1993; amended at 20 Ill. Reg. 7888, effective May 30, 1996; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: MEDICAL LICENSING, RENEWAL AND RESTORATION PROCEDURE

Section 1285.110 Continuing Medical Education (CME)

The Department shall promulgate rules of continuing education for persons licensed under this Act who are not otherwise subject to equivalent continuing education requirements of relevant specialty societies or boards in establishing such rules; the Department shall consider educational requirements for medical staffs; requirements for specialty society board certification or for continuing education requirements as a condition of membership in societies representing the 2 categories of licensee under this Act. Such rules shall assure that licensees are given the opportunity to participate in those programs sponsored by or through their professional associations or hospitals which are relevant to their practice. (Section 20 of the Act.)

a) CME Programs. CME shall be recognized but not necessarily limited to verified attendance at or participation in (i) a certificate of attendance completion or participation; the following types of activities:

i) Formal programs conducted or endorsed by hospitals, specialty societies, facilities or other organizations accredited to offer CME credit by the Accreditation Council on Continuing Medical Education; the Illinois State Medical Society; the Committee on

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Continuing Education of the American Osteopathic Association  
 Illinois Association of Osteopathic Physicians and Surgeons  
 Illinois Chiropractic Society, Illinois State  
 Chiropractic Association or a similarly recognized Continuing  
 Medical Education provider;

2) Osteopathic education programs either to prepare individuals for  
 licensure pursuant to the provisions of the Medical Practice Act  
 of 1987 or for postgraduate training;

3) CME programs required for certification or recertification by a  
 specialty board;

4) CME activities required as a continuation of membership in  
 specialty societies or professional associations;

5) Service as a faculty member of a program of education to prepare  
 persons for licensure under the provisions of the Medical  
 Practice Act or for postgraduate training;

6) Reading journals and/or viewing audiovisual materials or other  
 relevant information to the practice for which the licensee is  
 licensed;

7) Upon the recommendation of the Medical Licensing Board, the  
 Department shall, in individual cases, recognize additional  
 activities for compliance with this Section 1289.134;

b) Each licensee shall, at the time of renewal or restoration of his  
 license, indicate under oath, on his renewal application, if he has  
 obtained CME during the three (3) years prior to such renewal or  
 restoration;

c) The provisions of subsection (b) above shall not apply to licensees  
 renewing their licenses for the first time following initial issuance;  
 this rule shall apply for the renewal of licenses scheduled to expire  
 July 31, 1990, and subsequent renewal periods and the restoration of  
 any license after that date;

e) Noncompliance with CME requirements

1) Any licensee who indicates on his renewal form that he is in  
 noncompliance with CME requirements shall file with the  
 Department an affidavit detailing the reasons for the  
 noncompliance;

2) The Department, upon the recommendation of the Medical Licensing  
 Board, shall waive compliance with CME requirements in  
 circumstances of extreme hardship which shall be determined on an  
 individual basis and is defined as an inability to devote  
 sufficient hours to fulfilling the CME requirements as documented  
 by;

A) serving full time in the Armed Forces of the United States;

B) an incapacitating illness as documented by a currently  
 licensed physician;

C) retirement from practice;

D) undue hardship (prolonged hospitalization, family illness);  
 or

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B) any other similar extenuating circumstances;  
 3) Any licensee who indicates that he has not obtained CME for  
 reasons other than those above shall be granted one (1) year to  
 engage in CME activities and submit evidence (i.e., certificate  
 of attendance, completion or participation) to the Department of  
 compliance;

4) If, at the end of one year, the licensee does not submit proof of  
 CME, such information shall be forwarded to the Medical  
 Disciplinary Board to determine if the licensee's license shall  
 be disciplined;

5) Information about any licensee who indicated on his renewal form  
 that he has complied with CME, and who is subsequently found not  
 to have complied in the course of the Department's random audit,  
 shall be forwarded to the Medical Disciplinary Board to determine  
 if the licensee's license shall be disciplined pursuant to 68  
 Ill. Adm. Code 110 and 1285;

The Department shall promulgate rules of continuing education for persons  
 licensed under the Act that require 50 hours of continuing education each year.  
 These rules shall be consistent with requirements of relevant professional  
 associations, specialty societies, or boards. The rules shall also address  
 variances for illness or hardship. In establishing these rules, the Department  
 shall consider educational requirements for medical staffs, requirements for  
 specialty society board certification or for continuing education requirements  
 as a condition of membership in societies representing the 2 categories of  
 licensee (physicians licensed to practice medicine in all of its branches and  
 chiropractic physicians) under the Act. These rules shall assure, but not be  
 limited to, that licensees are given the opportunity to participate in those  
 programs sponsored by or through their professional associations or hospitals  
 which are relevant to their practice. Each licensee is responsible for  
 maintaining records of completion of continuing education and shall be prepared  
 to produce the records when requested by the Department. (Section 20 of the  
 Act)

a) Continuing Medical Education Hours Requirements

1) For the July 31, 1999 renewal, a licensee will be required to  
 complete 50 hours of continuing medical education (CME). The  
 Department will accept CME taken on or after July 1, 1997.  
 Beginning with the July 31, 2002 renewal and every renewal  
 thereafter, in order to renew a license, a licensee shall be  
 required to complete 50 hours of continuing medical education per  
 year for a total of 150 hours per pre-renewal period.

2) A pre-renewal period is the 36 months preceding July 31 in the  
 year of the renewal.

3) One CME hour shall equal one clock hour. After completion of the  
 initial CME hour, credit may be given in one-half hour  
 increments.

4) Continuing medical education each year means continuing medical  
 education earned in a calendar year or from July 31 to July 31 of



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- the following year.
- 5) A renewal applicant shall not be required to comply with CME requirements for the first renewal of an Illinois license.
  - 6) Individuals licensed in Illinois but residing and practicing in other States shall comply with the CME requirements set forth in this Section.
  - 7) Continuing medical education credit hours used to satisfy the CME requirements of another jurisdiction may be applied to fulfill the CME requirements of the State of Illinois if the CME required by the other jurisdiction is consistent with the CME requirements set forth in this Section.
  - 8) The Department, upon recommendation of the Medical Licensing Board, will accept the American Medical Association Physician Recognition Award (AMA PRA) certificate awarded to physicians licensed to practice medicine in all of its branches as documentation of compliance with the 150 CME hours set forth in this Part. The hours shall be earned consistently with the prerenewal period set forth in subsection (a)(2).
  - 9) CME used to satisfy the requirements for renewal of a license may not be used to satisfy the CME requirements for another renewal period.
  - 10) The CME requirements set forth in this Section apply to both physicians licensed to practice medicine in all of its branches and chiropractic physicians licensed in Illinois.
- b) Continuing Medical Education (CME) hours for both physicians licensed to practice medicine in all of its branches and chiropractic physicians licensed in Illinois shall be earned by, but not limited to, verified attendance at (e.g., certificate of attendance or certificate of completion) or participation in a program or course (program) as follows:
- 1) CME hours shall be earned as follows:
    - A) A minimum of 40% of required CME hours shall be obtained in formal CME programs set forth in subsection (b)(2);
    - B) A maximum of 60% of the required CME hours shall be obtained in informal CME programs or activities as set forth in subsection (b)(3).
  - 2) Formal CME programs:
    - A) Formal programs conducted or endorsed by hospitals, specialty societies, facilities or other organizations approved to offer CME credit as set forth in subsection (c) below.
    - B) Formal CME programs conducted by medical, chiropractic or osteopathic education programs, including LCGME, the Bureau of Professional Education of the American Osteopathic Association or the Commission on Accreditation of the Council of Chiropractic Education schools, either to prepare individuals for licensure pursuant to the provisions of the Act or for postgraduate training.

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- C) CME programs required for certification or recertification by specialty boards and professional associations.
- D) Activities which are given by sponsors approved in accordance with this Section:
  - i) CME utilizing materials such as CD-ROMS, printed educational materials, audiotapes, video cassettes, films, slides and computer assisted instruction that provide a clear, concise statement of the educational objectives and indicate the intended audience. These programs shall also have a method of verifying physicians' participation;
  - ii) Journal club activities;
  - iii) Self-assessment activities; and
  - iv) Journal-based CME.
- 3) Informal CME programs or activities shall consist of, but not be limited to, any of the following activities that the licensee must document including the dates and a brief description of the activity:
  - A) Consultation with peers and experts concerning patients;
  - B) Use of electronic databases in patient care;
  - C) Small group discussions;
  - D) Teaching health professionals;
  - E) Medical writing;
  - F) Teleconferences;
  - G) Preceptorships;
  - H) Participating in formal peer review and quality assurance activities; and
  - I) Preparation of educational exhibits.
- c) CME Sponsors and Formal Programs
  - 1) Sponsor, as used in this Section, shall mean:
    - A) For physicians licensed to practice medicine in all of its branches:
      - i) Accreditation Council on Continuing Medical Education and organizations accredited by ACCME as sponsors of CME;
      - ii) Illinois State Medical Society, or its affiliates;
      - iii) Committee on Continuing Medical Education for the American Osteopathic Association, and the Illinois Association of Physicians and Surgeons or its affiliates;
      - iv) Any other accredited school, college or university, State agency, or any other person, firm, or association that has been approved and authorized by the Department pursuant to subsection (2) below to coordinate and present continuing medical education courses and programs in conjunction with this Section.
    - B) For chiropractic physicians:
      - i) Illinois Chiropractic Society, or its affiliates;



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- ii) Illinois Prairie State Chiropractic Association, or its affiliates;
- iii) International Chiropractic Association, or its affiliates;
- iv) American Chiropractic Association, or its affiliates;
- or
- v) Any other accredited school, college or university, State agency, or any other person, firm, or association that has been approved and authorized by the Department pursuant to subsection (c)(2) below to coordinate and present continuing medical education courses and programs in conjunction with this Section.
- C) Physicians licensed to practice medicine in all of its branches or chiropractic physicians may earn CME hours from the sponsors set forth in subsections (C)(1)(A) and (B) above.
- 2) An entity seeking approval as a CME sponsor for formal programs shall submit an application, on forms supplied by the Department, along with a \$2000 nonrefundable application fee. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The application shall include:
- A) Certification:
- i) That all programs offered by the sponsor for CME credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;
- ii) That the sponsor shall be responsible for verifying completion of each program and provide a certificate of attendance as set forth in subsection (c)(9) below;
- iii) That, upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;
- iv) That each sponsor shall submit to the Department written notice of program offerings, including program offerings of subcontractors, 30 days prior to course dates. Notice shall include the description, location, date and time of the program to be offered.
- B) A copy of a sample program including course materials, syllabi and a list of faculty.
- 3) All formal programs shall:
- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee;

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- B) Foster the enhancement of general or specialized practice and values;
- C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
- D) Specify the course objectives, course content and teaching methods to be used; and
- E) Specify the number of CME hours that may be applied to fulfilling the Illinois CME requirements for license renewal.
- 4) Each CME formal program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
- 6) To maintain approval as a sponsor, each shall submit to the Department by July 31 in the year of renewal a renewal application, a \$2000 fee and a list of courses and programs offered within the last 36 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontractor.
- 7) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
- A) The name, address and license number of the sponsor;
- B) The name and address of the participant;
- C) A brief statement of the subject matter;
- D) The number of hours attended in each program;
- E) The date and place of the program; and
- F) The signature of the sponsor.
- 8) The sponsor shall maintain attendance records for not less than 5 years.
- 9) The sponsor shall be responsible for assuring that no renewal applicant shall receive CME credit for nonparticipation in a program.

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10) Upon the failure of a sponsor to comply with any of the preceding requirements of this Section, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CME credit attendance at or participation in any of that sponsor's CME programs until such time as the Department receives assurances of compliance with this Section.

11) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CME program at any time to ensure compliance with requirements of this Section.

d) Certification of Compliance with CME Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with the CME requirements set forth in subsections (a) and (b) above.

2) The Department may require additional evidence demonstrating compliance with the CME requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

3) When there appears to be a lack of compliance with CME requirements, an applicant shall be notified in writing and may request an interview with the Licensing Board. At that time the Licensing Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

4) The Department shall conduct a random audit to verify compliance with the CME requirements.

e) Continuing Medical Education Earned in Other Jurisdictions

1) If a licensee has earned or is seeking formal CME hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days prior to expiration of the license. The Licensing Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

2) If a licensee fails to submit an out of state CME approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$100 per hour of CME late fee not to exceed \$500. The Licensing Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CME requirements, the Department shall restore the

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license upon payment of the required fee as provided in Section 13(4) and (5) of the Act.

g) Waiver of CME Requirements

1) Any renewal applicant seeking renewal of a license without having fully complied with these CME requirements shall file with the Department a renewal application along with the required fee set forth in Section 13(3) of the Act, a statement setting forth the facts concerning non-compliance and a request for waiver of the CME requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Licensing Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CME requirements for the renewal period for which the applicant has applied.

2) Hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CME requirements during the applicable pre-renewal period because of:

A) Full-time service in the armed forces of the United States of America during a substantial part of the pre-renewal period;

B) An incapacitating illness documented by a statement from a currently licensed physician;

C) Undue hardship (prolonged hospitalization, family illness); or

D) Any other similar extenuating circumstances.

3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

PROPERTY TAX APPEAL BOARD  
NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may comment on this proposed rulemaking by filing such comments in writing, within 45 days after publication of this notice in the *Illinois Register*, with the Property Tax Appeal Board at its offices in Springfield:

James W. Chipman - Executive Director  
Property Tax Appeal Board  
Rm. 402, Stratton Office Building  
401 S. Spring St.  
Springfield, Illinois 62706  
(217) 782-6076

12) Initial Regulatory Flexibility Analysis:  
A) Types of small businesses, small municipalities and not for profit corporations affected: All small businesses owning taxable real property in Illinois.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: The anticipated revision for Section 1910.50(c)(2): January 1998. The remaining two rules which are subject to this proposed rulemaking were not included on the most recent agenda because: the Property Tax Appeal Board did not anticipate revising these rules at the time the most recent agenda was published.

The full text of the Proposed Amendments begins on the next page:

PROPERTY TAX APPEAL BOARD  
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Practice and Procedure for Hearings Before the Property Tax Appeal Board

2) Code Citation: 86 Ill. Adm. Code 1910

3) Section Numbers: Proposed Action:  
1910.30 Amended  
1910.40 Amended  
1910.50 Amended

4) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195

5) A Complete Description of the Subjects and Issues Involved: Section 1910.30 Petitions - Application: This Section is amended to require parties in every case where a change in assessed valuation of less than \$100,000 is sought to submit all written and documentary evidence in duplicate with the petition. In an appeal where a change in assessed valuation of \$100,000 or more is sought all written or documentary evidence must be submitted in triplicate with the petition.

Section 1910.40 Board of Review Response to Petition Application: This Section is also amended to require the board of review in every case where a change in assessed valuation of less than \$100,000 is sought to submit all written and documentary evidence in duplicate. In an appeal where a change in assessed valuation of \$100,000 or more is sought, all written or documentary evidence must be submitted in triplicate. Subsection (f) is also amended by substituting the word "case" for the word "petition". This was done so the language of the rules will mirror the corresponding Section of the Property Tax Code [35 ILCS 200/16-180].

Section 1910.50 Determination of Appealed Assessment: This Section is amended to allow evidence of the appropriate level of assessment for all classes of property within Cook County, Illinois, where sufficient probative evidence of market value on the relevant assessment date is presented.

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not modify or expand a State mandate.



## PROPERTY TAX APPEAL BOARD

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TITLE 86: REVENUE  
CHAPTER II: PROPERTY TAX APPEAL BOARD

PART 1910  
PRACTICE AND PROCEDURE FOR HEARINGS  
BEFORE THE PROPERTY TAX APPEAL BOARD

Section	Construction and Definitions
1910.5	Statement of Policy
1910.10	Correspondence
1910.20	Computing Time Limits
1910.25	Petitions - Application
1910.30	Board of Review Response to Petition Application
1910.40	Determination of Appealed Assessment
1910.60	Interested Parties - Intervention
1910.63	Burdens of Proof
1910.65	Documentary Evidence
1910.66	Rebuttal Evidence
1910.67	Hearings
1910.68	Subpoenas
1910.69	Sanctions
1910.70	Representation at Hearings
1910.71	Ex Parte Communications
1910.75	Access to Board Records - Freedom of Information Procedures
1910.76	Publication of Annual Synopsi
1910.80	Forms
1910.90	Practice Rules
1910.95	Separability

**AUTHORITY:** Implementing and authorized by the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].

**SOURCE:** Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 111949, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. , effective .

## Section 1910.30 Petitions - Application

- a) Petitions for appeal shall be filed within 30 days after the postmark date or personal service date of written notice of the decision of the board of review (see Section 12-50 of the Code). Petitions sent by mail shall be considered as filed on the date postmarked. Faxed petitions and evidence will not be accepted by the Board.
- b) Petitions for appeal shall be filed within 30 days after the postmark

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update or personal service date of written notice of the application of the final adopted township equalization factors by the board of review. Petitions sent by mail shall be considered as filed on the date postmarked. Faxed petitions and evidence will not be accepted by the Board.

- c) The petition for appeal shall be on the prescribed form and a separate petition must be filed for each separately assessed parcel except for condominium buildings or unless a written request is made to the Board for the filing of a single petition for multiple parcels. Such request, together with the petition, shall be filed within 30 days after the postmark date or personal service of written notice of the decision of the board of review. Each petition shall identify and describe the particular property including the PIN or plate number, if any, assigned to the subject parcel by the county. In appeals where multiple parcels are consolidated into a single petition, the assessed values and the relief requested for each individual parcel must be separately listed.
- d) Each copy of petitions filed with the Property Tax Appeal Board shall bear an original signature of the contesting party or his attorney, and shall be filed with the Clerk of the Property Tax Appeal Board.
- e) A copy of the written notice of the decision of the board of review shall be filed with the petition, if one has been issued.
- f) Petitions for appeal shall be filed in triplicate and all copies of the same shall be properly signed as stated in subsection (d) of this Section. In every case where a change in assessed valuation of less than \$100,000 is sought, all written and documentary evidence must be submitted in duplicate with the petition. In every case where a change in assessed valuation of \$100,000 or more is sought, all written and documentary evidence must be submitted in triplicate with the petition. All written and documentary evidence must be submitted in duplicate with the petition. A photograph of the subject property should be submitted with the petition if it aids the contesting party in explaining the appeal.
- g) If the contesting party is unable to submit written or documentary evidence with the petition, he must submit a letter requesting an extension of time with the petition. Upon receipt of such a request, the Board shall grant a 30 day extension of time. The Board shall grant additional or longer extensions for good cause shown. Good cause may include but is not limited to the inability to submit evidence for a cause beyond the control of the contesting party, such as the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the petition is filed. Evidence sent by mail shall be considered as filed on the date postmarked.
- h) Every petition for appeal shall state the facts upon which the contesting party bases his objection to the decision of the board of review, together with a statement of the contents of law which he

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Section 1910.40 Board of Review Response to Petition Application

- a) Upon receipt of the completed petition from the contesting party, the Clerk of the Property Tax Appeal Board shall notify the board of review of the filing of the appeal. Upon notification of the filing of the appeal, the board of review shall submit its completed Board of Review Notes on Appeal disclosing the final assessment of the subject property. The board of review Notes on Appeal shall also reflect the application of a local township multiplier where applicable. The board of review shall also submit a copy of the property record card of the subject property. The property record card should contain, where possible, a schematic drawing of all structural improvements to the land, a completed cost analysis, and an indication of the basis of the land value. The Board of Review Notes on Appeal and all written and documentary evidence supporting the board of review's position must be submitted to the Property Tax Appeal Board within 30 days after the date and/or postmark of the notice of the filing of an appeal unless the board of review objects to the jurisdiction of the Property Tax Appeal Board over the assessment appeal. In every case where a change in assessed valuation of less than \$100,000 is sought, all written and documentary evidence must be submitted in duplicate. In every case where a change in assessed valuation of \$100,000 or more is sought, all written and documentary evidence must be submitted in triplicate.
- b) If the board of review objects to the Board's jurisdiction, it must submit a written request for dismissal of the petition prior to the submission of the Board of Review Notes on Appeal and accompanying documentation. The request for dismissal must set forth the basis of the board of review's objections to the Property Tax Appeal Board's jurisdiction over the appeal. In such cases, the Property Tax Appeal Board shall transmit a copy of the request for dismissal to the contesting party and secure a written response to the request for dismissal from the contesting party within 30 days after the postmark date of the notice of the filing of the motion to dismiss. A copy of the response shall be transmitted to the board of review. Upon receipt of the request for dismissal and the response, the Property Tax Appeal Board shall issue a decision determining if it has jurisdiction in the matter.
- c) If the board of review objects to the Board's jurisdiction and the Property Tax Appeal Board subsequently determines that it has jurisdiction over the parties and the subject matter of the appeal, the board of review shall submit Board of Review Notes on Appeal, the subject's property record card and all written and documentary evidence within 30 days after the Board's decision determining jurisdiction.
- d) If the board of review is unable to submit the additional written or

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- desires to raise. Each petition must also set forth the assessment for the subject property which the contesting party considers to be correct. If contentions of law are raised, the contesting party shall submit a brief in support of his position with the petition. Extensions of time shall be granted in accordance with subsection (g) of this Section. Failure to do so shall result in dismissal of the appeal.
- i) Every petition for appeal shall give the post office address where mail addressed to the contesting party may be received by him or his attorney, together with his telephone number. The Property Tax Appeal Board must be notified in writing by any party of a change of address within 60 days of any such change.
  - j) The petition shall in all cases state the assessed value of the land, and the assessed value of the improvements (structures), and the total assessed value as placed on the property by the local assessor and by the board of review. The petition must also state the assessed valuation which the contesting party claims to be correct.
  - k) All information required to fully complete the petition shall be furnished by the contesting party at the time the petition is filed. Incomplete petitions and/or a letter shall be returned with an explanation of the reasons for the rejection. The contesting party must resubmit the corrected petition within 20 days after the date of the return of the petition. If the returned petition is not resubmitted within the 20 day period, the appeal will be dismissed from consideration by the Board. Petitions which are not signed, petitions which do not state the assessed valuation assigned by the local assessor and the board of review, petitions which do not state the assessed valuation considered correct by the contesting party, and petitions not containing all information as required herein, shall be treated as incomplete petitions. Written or documentary evidence will be accepted after receipt of a completed petition only when a letter requesting an extension of time was received and granted.
  - l) Upon receipt of a completed petition, including the written and documentary evidence from the contesting party, the Clerk of the Property Tax Appeal Board shall send a copy of the petition to the board of review and to the State's Attorney of the county in which the property is located. The Clerk shall cause the petition to become a part of such appeal proceedings and record.
  - m) If the petition for appeal is filed by an interested taxing body, rather than by the taxpayer whose assessment is in question, the taxing body must furnish the name and address of the owner of the property in question. A copy of such completed petition shall then be sent to the owner of the property. Any petition filed without the name and address of the owner of the property in question shall be treated as an incomplete petition in accordance with subsection (k) of this Section.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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documentary evidence with the Notes on Appeal, it must submit a letter requesting an extension of time with the Board of Review Notes on Appeal. Upon receipt of such a request, the Board shall grant a 30 day extension of time. The Board shall grant additional or longer extensions for good cause shown. Good cause may be the inability to submit evidence for a cause beyond the control of the board of review, such as, but not limited to, the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the Board of Review Notes on Appeal is filed.

- e) The Clerk shall cause such assessment record to become a part of such appeal proceeding and record, and shall send a copy of the same to the contesting party or his attorney.
- f) Pursuant to Section 16-180 of the Property Tax Code, in every case ~~petition~~ for appeal where a change in assessed valuation of \$100,000 or more is sought, the board of review shall serve a copy of the petition filed with the Property Tax Appeal Board upon receipt of the same on all taxing districts as shown on the last available tax bill. The board of review shall also serve a certificate of service on the Property Tax Appeal Board affirming that all taxing districts have received notification of the appeal. The certificate of service shall be signed by a member of the board of review or the clerk of the board of review.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1910.50 Determination of Appealed Assessment

- a) *All proceedings before the Property Tax Appeal Board shall be considered de novo which shall mean that the Property Tax Appeal Board will consider only the evidence, exhibits and briefs submitted to it, and will not give any weight or consideration to any prior actions by a local board of review or any submissions not timely filed or not specifically made a part of the record. (Section 16-180 of the Code)*
- b) *By statute, the Property Tax Appeal Board may accept into the record all evidence, exhibits and briefs submitted by all interested parties and render a decision without holding a hearing. On its own motion, the Board may order a hearing to be held at a time and place designated by the Board. A hearing shall be granted if any party to the appeal submits a request in writing. (Section 16-170 of the Code)*
- c) *The decisions of the Property Tax Appeal Board will be based on equity and the weight of the evidence.*
- 1) *In all counties other than Cook, a three-year county wide assessment level to be based on relevant sales during the previous three years as certified by the Department of Revenue will be considered where sufficient probative evidence is*

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presented indicating the estimate of full market value of the subject property on the relevant real property assessment date of January 1.

- 2) In Cook County, ~~for residential property of six units or less currently designated as class 2 real estate according to the Cook County Real Property Assessment Classification Ordinance, as amended,~~ where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board may consider evidence of the appropriate level of assessment for property within the same classification as the subject property as defined in the Cook County Real Property Classification Ordinance, as amended ~~in that class~~. Such evidence may include:
- A) the Department of Revenue's annual sales ratio studies for ~~class 2 property~~ for the previous three years; and
- B) competent assessment level evidence, if any, submitted by the parties pursuant to this Part.

- d) Whether a hearing is held in the appeal proceeding, the proceeding before the Property Tax Appeal Board shall be terminated when the Board renders a decision. The Board may revise and/or correct a decision upon its own initiative at any time prior to the expiration of the Administrative Review filing period as provided in Section 16-195 of the Property Tax Code if a mistake in the calculation of an assessment or other clerical error is discovered. In such event, the Board shall issue an amended decision. The decision or order of the Property Tax Appeal Board in any such appeal shall, within 10 days after it is made and entered, be certified to every party to the proceeding and to the proper authorities, including the board of review whose decision was appealed, the County Clerk who extends taxes upon the assessment in question, and the County Collector (Treasurer) who collects property taxes upon such assessment.

- e) A majority of the Members of the Board is required to make a decision of the Board.

- f) Final administrative decisions of the Property Tax Appeal Board are subject to review under the provisions of the Administrative Review Law [735 ILCS 5/Art. III] and Section 16-195 of the Property Tax Code [35 ILCS 200/16-195].

- g) *The required number of copies of all documents in an appeal file necessary to complete the certification of the Property Tax Appeal Board proceedings in answer to a complaint for Administrative Review will be prepared by the Property Tax Appeal Board at a cost to the plaintiff of \$.25 per page, except for pages of the original transcript which will have a cost of \$.75 per page, and for pages larger than legal size which will have a cost of \$1.00 per page. (Section 16-195 of the Code)* From the original certification of proceedings, which will be filed with the Clerk of the Circuit Court, copies of the proceedings will be prepared and forwarded to the Attorney General, State's Attorney, and the plaintiff in the



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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:  
140.539 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: The Department's rules concerning nursing assistant and aide training are being revised to require verification of successful course completion and, in the case of nursing assistants, passage of the competency evaluation for authorization of reimbursement for training and evaluation administration. The proposed amendments require such verification either through the Department of Public Health Nurse Aide Registry or through documentation submitted by the long term care facility as proof of an individual's successful completion of a training course or competency evaluation.

When an individual's name does not appear on the Registry within three months after the Department's receipt of the facility's reimbursement request, the Department can request documentation from the facility showing proof of the individual's status relative to training and competency. These latter provisions are necessary because some individuals successfully complete the training or competency evaluation, but after deciding against employment in that field, their names are not submitted for entry on the Nurse Aide Registry. In these cases, the facility is still entitled to reimbursement for individuals who successfully complete training or pass a competency evaluation.

The proposed changes also specify circumstances under which a facility may not charge an individual for costs associated with training courses or the administration of competency evaluations. These changes reflect clarifications that were recently distributed by the Department of Public Health.

These proposed amendments will not result in any budgetary changes for the Department.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

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Administrative Review and one copy will be retained as a permanent record for the Property Tax Appeal Board. An estimate of the cost of preparing a certified record will be mailed to the plaintiff. Upon receipt of the necessary payment, the Property Tax Appeal Board will prepare certification of the proceedings.

h) If a petition is filed by a taxpayer with the Property Tax Appeal Board, the taxpayer is precluded from filing objections based upon valuation in the Circuit Court as may otherwise be permitted by Sections 21-175 and 23-5 of the Property Tax Code. (Section 16-160 of the Code)

i) If a taxpayer files objections based upon valuation in the Circuit Court as permitted by Sections 21-175 and 23-5 of the Property Tax Code, the taxpayer is precluded from filing a petition contesting the assessment of the subject property with the Property Tax Appeal Board. (Section 16-160 of the Code)

j) If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the board of review or after adjournment of the session of the board of review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of the written notice of the Property Tax Appeal Board decision, appeal the assessment for such subsequent year directly to the Property Tax Appeal Board. (Section 16-185 of the Code)

k) If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225 of the Code, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (Section 16-185 of the Code)

l) If a stipulation is agreed to by all interested parties, it may be taken into consideration by the Property Tax Appeal Board but must be supported by evidence in the record. The Board reserves the right to write a decision based on the facts, evidence and exhibits in the record.

m) The contesting party may, at any time before the hearing begins, upon notice to the parties to the appeal, move to dismiss the appeal, by written request filed with the Board. However, where a party to the appeal has filed substantive evidence in response to the contesting party's petition, a dismissal will only be granted if no objections are made by any party to the appeal.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.2	Amendment	October 17, 1997 (21 Ill. Reg. 13757)
140.2	Amendment	January 2, 1998 (22 Ill. Reg. 152)
140.12	Amendment	January 2, 1998 (22 Ill. Reg. 152)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Ave. E., 3rd Floor  
Springfield, IL 62763  
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Long term care facilities

- B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: It was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section  
140.1 Incorporation By Reference  
140.2 Medical Assistance Programs  
140.3 Covered Services Under Medical Assistance Programs  
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)  
140.5 Covered Medical Services Under General Assistance  
140.6 Medical Services Not Covered  
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight  
140.8 Medical Assistance For Qualified Severely Impaired Individuals  
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section  
140.11 Enrollment Conditions for Medical Providers  
140.12 Participation Requirements for Medical Providers  
140.13 Definitions  
140.14 Denial of Application to Participate in the Medical Assistance Program  
140.15 Recovery of Money  
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
140.18 Effect of Termination on Individuals Associated with Vendor  
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring  
140.20 Submittal of Claims  
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)  
140.22 Magnetic Tape Billings  
140.23 Payment of Claims  
140.24 Payment Procedures  
140.25 Overpayment or Underpayment of Claims  
140.26 Payment to Factors Prohibited

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140.27 Assignment of Vendor Payments  
140.28 Record Requirements for Medical Providers  
140.30 Audits  
140.31 Emergency Services Audits  
140.32 Prohibition on Participation, and Special Permission for Participation  
140.33 Publication of List of Terminated, Suspended or Barred Entities  
140.35 False Reporting and Other Fraudulent Activities  
140.40 Prior Approval for Medical Services or Items  
140.41 Prior Approval in Cases of Emergency  
140.42 Limitation on Prior Approval  
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained  
140.55 Recipient Eligibility Verification (REV) System  
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice  
140.72 Voucher Advance Payment and Expedited Payments  
140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section  
140.80 Hospital Provider Fund  
140.82 Developmentally Disabled Care Provider Fund  
140.84 Long Term Care Provider Fund  
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund  
140.95 Hospital Services Trust Fund  
140.96 General Requirements (Recodified)  
140.97 Special Requirements (Recodified)  
140.98 Covered Hospital Services (Recodified)  
140.99 Hospital Services Not Covered (Recodified)  
140.100 Limitation On Hospital Services (Recodified)  
140.101 Transplants (Recodified)  
140.102 Heart Transplants (Recodified)  
140.103 Liver Transplants (Recodified)  
140.104 Bone Marrow Transplants (Recodified)  
140.110 Disproportionate Share Hospital Adjustments (Recodified)  
140.116 Payment for Inpatient Services for GA (Recodified)  
140.117 Hospital Outpatient and Clinic Services (Recodified)  
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)  
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)  
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)  
140.203 Limits on Length of Stay by Diagnosis (Recodified)  
140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)  
140.350 Copayments (Recodified)  
140.360 Payment Methodology (Recodified)



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140.361 Non-Participating Hospitals (Recodified)  
 140.362 Pre July 1, 1989 Services (Recodified)  
 140.363 Post June 30, 1989 Services (Recodified)  
 140.364 Prepayment Review (Recodified)  
 140.365 Base Year Costs (Recodified)  
 140.366 Restructuring Adjustment (Recodified)  
 140.367 Inflation Adjustment (Recodified)  
 140.368 Volume Adjustment (Repealed)  
 140.369 Groupings (Recodified)  
 140.370 Rate Calculation (Recodified)  
 140.371 Payment (Recodified)  
 140.372 Review Procedure (Recodified)  
 140.373 Utilization (Repealed)  
 140.374 Alternatives (Recodified)  
 140.375 Exemptions (Recodified)  
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)  
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.391 Definitions (Recodified)  
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section  
 140.400 Payment to Practitioners, Nurses and Laboratories  
 140.410 Physicians' Services  
 140.411 Covered Services By Physicians  
 140.412 Services Not Covered By Physicians  
 140.413 Limitation on Physician Services  
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians  
 140.416 Optometric Services and Materials  
 140.417 Limitations on Optometric Services  
 140.418 Department of Corrections Laboratory  
 140.420 Dental Services  
 140.421 Limitations on Dental Services  
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists  
 140.425 Podiatry Services  
 140.426 Limitations on Podiatry Services  
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry  
 140.428 Chiropractic Services

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140.429 Limitations on Chiropractic Services (Repealed)  
 140.430 Independent Laboratory Services  
 140.431 Services Not Covered by Independent Laboratory  
 140.432 Limitations on Independent Laboratory Services  
 140.433 Payment for Laboratory Services  
 140.434 Record Requirements for Independent Laboratories  
 140.435 Nurse Services  
 140.436 Limitations on Nurse Services  
 140.440 Pharmacy Services  
 140.441 Pharmacy Services Not Covered  
 140.442 Prior Approval of Prescriptions  
 140.443 Filling of Prescriptions  
 140.444 Compounded Prescriptions  
 140.445 Legend Prescription Items (Not Compounded)  
 140.446 Over-the-Counter Items  
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 140.452 Mental Health Clinic Services  
 140.453 Definitions  
 140.454 Types of Mental Health Clinic Services  
 140.455 Payment for Mental Health Clinic Services  
 140.456 Hearings  
 140.457 Therapy Services  
 140.458 Prior Approval for Therapy Services  
 140.459 Payment for Therapy Services  
 140.460 Clinic Services  
 140.461 Clinic Participation, Data and Certification Requirements  
 140.462 Covered Services in Clinics  
 140.463 Clinic Service Payment  
 140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)  
 140.465 Speech and Hearing Clinics (Repealed)  
 140.466 Rural Health Clinics  
 140.467 Independent Clinics  
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at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990;

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amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3352, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment



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approved by the Department of Public Health (77 Ill. Adm. Code 395.110), the facility may claim reimbursement for the following costs, provided that they are actually incurred:

- A) tuition, up to the prevailing community college rate in the health service area for a six credit hour course;
- B) instructional materials, up to \$25.00; and
- C) salary and fringe benefits (fringe benefits are payroll taxes, unemployment insurance, worker's compensation, health insurance and meals if provided) up to the prevailing entry level for the health service area.

2) The Department will reimburse for actual approved hours up to 130 hours.

3) Facilities shall also receive an additional factor of five percent of the total claim to recognize costs for those who do not successfully complete the course.

4) The Department shall reimburse on a pro rata basis according to the percentage of Medicaid residents in the facility at the time the request for reimbursement is submitted to the Department.

5) Successful completion of a course by each individual for whom reimbursement is being requested shall be verified through the Department of Public Health Nurse Aide Registry. In the event that an individual's name does not appear on the Registry within three months after the Department's receipt of reimbursement request, the Department reserves the right to request documentation that shows proof of:

A) submittal of the individual's name for entry on the Nurse Aide Registry (for example, a copy of the notification to the Department of Public Health), if applicable, and

B) successful completion of the course by the individual (for example, an instructor signed attendance form or other instructor certification).

6) No individual who is employed by, or who has received an offer of employment from, a facility on the date on which the individual begins a Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide or Habilitation Care/Habilitation Aide training program may be charged for any portion of the program (including any fees for textbooks or other required course materials). This provision applies whether or not the facility requests Medicaid reimbursement for the training, the individual fails the competency exam or the individual subsequently leaves employment.

b) Basic Nursing Assistant Competency Evaluation

- 1) Nursing facilities shall be reimbursed for the reasonable costs for basic nursing assistant competency evaluations. Only evaluations approved by the Department of Public Health are reimbursable. The facility may claim reimbursement for the cost of each approved competency evaluation successfully completed with a passing grade.

repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART E: PROVIDER ASSESSMENTS

Section 140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation

a) Training Reimbursement

- 1) Long term care facilities shall be reimbursed for the reasonable costs of assistant and aide ~~assistant/aide~~ training. Upon the individual's successful completion of a course which has been



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- 2) Payment will not be made under this Section for costs incurred in administering tests not approved by the Department of Public Health, or for any additional tests administered by the facility during or subsequent to basic nursing assistant training.
- 3) Payment will be made for all competency evaluations successfully completed with a passing grade after October 1, 1989.
- 4) The maximum reimbursable cost per competency evaluation successfully completed with a passing grade is the current fee charged by the Department of Public Health approved evaluation service. The Department will reimburse on a pro rata basis according to the percentage of Medicaid residents in the facility at the time the request for reimbursement is submitted to the Department. The Department will not pay any other costs associated with the evaluation process.
- 5) ~~Written proof--(individual-evaluation-results)--must--be--submitted by--the-facility--for--each-competency-test--for--which-reimbursement is-claimed-~~ 6) No payment will be made for any competency evaluation in which a failing grade is received for any part of the evaluation. An individual must pass both the demonstration of manual skills and written components of the evaluation before reimbursement may be claimed.
- 6) Passage of the competency evaluation for each individual for whom reimbursement is being requested shall be verified through the Department of Public Health Nurse Aide Registry. In the event that an individual's name does not appear on the Registry, the Department reserves the right to request documentation of such passage before authorizing payment. Competency evaluations do not apply to Basic Child Care Aides, Habilitation Aides or Developmental Disabilities Aides.
- 7) Facilities shall receive an additional factor of five percent of the total claim to recognize costs for those who do not successfully pass the evaluation.
- 8) No individual who is employed by, or who has received an offer of employment from, a facility on the date on which the individual begins a basic nursing assistant competency-evaluation program may be charged for any costs associated with competency evaluation. This provision applies whether or not the facility requests Medicaid reimbursement for the competency evaluation, the individual fails the competency evaluation or the individual subsequently leaves employment ~~portion-of-the-program--(including any-fees-for-textbooks-or-other-required-course-materials).~~

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Emergency Medical Services and Trauma Center Code
- 2) Code Citation: 77 Ill. Adm. Code 515
- 3) Section Numbers:  
     Proposed Action:  
     515.210 Amendments  
     515.220 Amendments  
     515.300 Amendments  
     515.315 New Section  
     515.2000 Amendments
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Sections 3.20(c)(1) and (9), and 3.90(b)(4) of the Emergency Medical Services (EMS) Systems Act [210 ILCS 50]. Section 3.20(c)(1) states, in part, that beginning September 1, 1997, "the Department shall approve the development of a new EMS System only when a local or regional need for establishing such System has been identified." Section 3.20(c)(9) authorizes the Department to investigate the circumstances that caused a hospital in an EMS System to go on bypass status to determine whether that hospital's decision to go on bypass status was reasonable. Section 3.90(b)(4) states, in part, that beginning September 1, 1997, "the Department shall designate a new trauma center only when a local or regional need for such trauma center has been identified." These provisions were added to the Act by P.A. 89-667 (effective January 1, 1997). The rulemaking also includes procedures to be followed by the Department when an EMS Regional Plan is not submitted to the Department after six months.  
  
The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.  
  
The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.
- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain Any Incorporations By Reference? No
- 9) Are there any other Proposed Amendments Pending on this Part? Yes

Section Numbers Proposed Action Ill. Reg. Citation

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13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the agency had included it on the July 1995 agenda.

The full text of the Proposed Amendments begins on the next page:

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- 515.320 Amendment 21 Ill. Reg. 14817
- 515.370 Amendment 21 Ill. Reg. 14817
- 515.420 Amendment 21 Ill. Reg. 14817
- 515.440 Amendment 21 Ill. Reg. 14817
- 515.510 Amendment 21 Ill. Reg. 14817
- 515.540 Amendment 21 Ill. Reg. 14817
- 515.725 New Section 21 Ill. Reg. 14817
- 515.2000 Amendment 21 Ill. Reg. 14817
- 515.2040 Amendment 21 Ill. Reg. 14817
- 515.2050 Amendment 21 Ill. Reg. 14817
- 515.2060 Amendment 21 Ill. Reg. 14817
- 515.Appendix C Amendment 21 Ill. Reg. 14817
- 515.Appendix F Amendment 21 Ill. Reg. 14817

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the Illinois Register to:

Ms. Gail M. DeVito  
Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present its comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: EMS providers
- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None
- C) Types of Professional Skills Necessary for Compliance: None

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## TITLE 77: PUBLIC HEALTH

## CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

## SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

## PART 515

## EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE

## SUBPART A: GENERAL

## Section

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Definitions

515.100

Incorporated and Referenced Materials

515.125

Waiver Provisions

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Violations, Hearings and Fines

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## SUBPART B: EMS REGIONS

## Section

515.200

Emergency Medical Services Regions

515.210

EMS Regional Plan Development

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EMS Regional Plan Content

515.230

Resolution of Disputes Concerning the EMS Regional Plan

## SUBPART C: EMS SYSTEMS

## Section

515.300

Approval of New EMS Systems

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Approval and Renewal of EMS Systems

515.315

Bypass Status Review

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Scope of EMS Service

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EMS System Program Plan

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EMS Medical Director's Course

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Data Collection and Submission

515.360

Approval of Additional Drugs and Equipment

515.370

Automated Defibrillation

515.380

Do Not Resuscitate (DNR) Policy

515.390

Minimum Standards for Continuing Operation

515.400

General Communications

515.410

EMS System Communications

515.420

System Participation Suspensions

515.430

Suspension, Revocation and Denial of Licensure of EMTs

515.440

State Emergency Medical Services Disciplinary Review Board

## SUBPART D: EMERGENCY MEDICAL TECHNICIANS

## Section

515.500

Emergency Medical Technician-Basic Training

515.510

Emergency Medical Technician-Intermediate Training

515.520

Emergency Medical Technician-Paramedic Training

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## EMT Testing and Fees

515.530

EMT Licensure

515.540

Scope of Practice - Licensed EMT

515.550

EMT-B Continuing Education

515.560

EMT-I Continuing Education

515.570

EMT-P Continuing Education

515.580

EMT License Renewals

515.590

EMT Inactive Status

515.600

EMT Reciprocity

515.610

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER,  
FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE,  
EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND  
TRAUMA NURSE SPECIALIST

## Section

515.700

EMS Lead Instructor

515.710

Emergency Medical Dispatcher

515.720

First Responder

515.730

Pre-Hospital Registered Nurse

515.740

Emergency Communications Registered Nurse

515.750

Trauma Nurse Specialist

515.760

Trauma Nurse Specialist Program Plan

## SUBPART F: VEHICLE SERVICE PROVIDERS

## Section

515.800

Vehicle Service Provider Licensure

515.810

EMS Vehicle System Participation

515.820

Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service Provider License

515.830

Ambulance Licensing Requirements

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY MEDICAL  
SERVICES VEHICLE (SEMSV) PROGRAMS

## Section

515.900

Licensure of SEMSV Programs - General

515.910

Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure

515.920

SEMSV Program Licensure Requirements for All Vehicles

515.930

Helicopter and Fixed-Wing Aircraft Requirements

515.935

EMS Pilot Specifications

515.940

Aeromedical Crew Member Training Requirements

515.945

Aircraft Vehicle Specifications and Operation

515.950

Aircraft Medical Equipment and Drugs

515.955

Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs

515.960

Aircraft Communications and Dispatch Center

515.965

Watercraft Requirements



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- a) Within six months after designation of an EMS Region, an EMS Region plan addressing at least the information prescribed in Section 515.220 of this Part shall be submitted to the Department for approval. The plan shall be developed by the Region's EMS Medical Directors Committee with advice from the Regional EMS Advisory Committee; portions of the plan concerning trauma shall be developed jointly with the Region's Trauma Center Medical Directors or Trauma Center Medical Directors Committee, whichever is applicable, with advice from the Regional Trauma Advisory Committee, if such Advisory Committee has been established in the Region. (Section 3.25(a) of the Act)
- b) A Region's Trauma Center Medical Directors may choose to participate in the development of the EMS Region Plan through membership on the Regional EMS Advisory Committee, rather than through a separate Trauma Center Medical Directors Committee. If that option is selected, the Region's Trauma Center Medical Director shall also determine whether a separate Regional Trauma Advisory Committee is necessary for the Region. (Section 3.25(b) of the Act)
- c) In the event of disputes over content of the Plan between the Region's EMS Medical Directors Committee and the Region's Trauma Center Medical Directors or Trauma Center Medical Directors Committee, whichever is applicable, the Director of the Illinois Department of Public Health shall intervene through a review in accordance with Section 515.230 of this Part. (Section 3.25(c) of the Act)

- d) If after six months a plan or portions thereof are not submitted, the Director of Public Health or his or her designee shall contact the EMS Medical Directors to seek input as to disputes, problems, or issues concerning areas not developed in the plan. If necessary, the Director or his or her designee shall contact members of the Regional EMS Advisory Committee to seek input into portions of the plan that are not agreed upon. After consulting with the Committee and reviewing the plans submitted by the surrounding Regions, the Director or his or her designee will develop proposed policies and procedures for the Region. The Committee must approve these policies within 30 days or submit its own policies for approval by the Director. If the Committee has not submitted a complete plan after 30 days, the Region will implement the policies and procedures developed by the Director or his or her designee in its EMS Regional Plan.
- e) Every 2 years, the members of the Region's EMS Medical Directors Committee shall rotate serving as Committee Chair, and select the Associate Hospital, Participating Hospital and vehicle service providers which shall send representatives to the Advisory Committee, and the EMS/Pre-Hospital RN and nurse who shall serve on the Advisory Committee. (Section 3.25(d) of the Act) Each System in the Region must have at least one representative on the Committee.
- f) Every 2 years, the members of the Trauma Center Medical Directors Committee shall rotate serving as Committee Chair, and select the vehicle service providers, EMT, emergency physician, EMS System Coordinator and TMS who shall serve on the Advisory Committee.

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NOTICE OF PROPOSED AMENDMENTS

515.970 Watercraft Vehicle Specifications and Operation  
515.975 Watercraft Medical Equipment and Drugs  
515.980 Watercraft Communications and Dispatch Center  
515.985 Off-Road EMSV Requirements  
515.990 Off-Road Vehicle Specifications and Operation  
515.995 Off-Road Medical Equipment and Drugs  
515.1000 Off-Road Communications and Dispatch Center

SUBPART H: TRAUMA CENTERS

Section Trauma Center Designation  
515.2000 Denial of Application for Designation or Request for Renewal  
515.2010 Inspection and Revocation of Designation  
515.2020 Level I Trauma Center Designation Criteria  
515.2030 Level II Trauma Center Designation Criteria  
515.2040 Trauma Center Uniform Reporting Requirements  
515.2050 Trauma Patient Evaluation and Transfer  
515.2060 Trauma Center Designation Delegation to Local Health Departments  
515.2070 Trauma Center Confidentiality and Immunity  
515.2080 Trauma Center Fund  
515.2090 Pediatric Care  
515.2100

SUBPART I: EMS ASSISTANCE FUND

Section EMS Assistance Fund Administration  
515.3000 A Request for Designation (RFD) Trauma Center  
APPENDIX A A Request for Renewal of Trauma Center Designation  
APPENDIX B Minimum Trauma Field Triage Criteria  
APPENDIX C Standing Medical Orders  
APPENDIX D Minimum Prescribed Data Elements  
APPENDIX E Template for In-House Triage for Trauma Centers  
APPENDIX F

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: EMS REGIONS

Section 515.210 EMS Regional Plan Development

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(Section 3.25(e) of the Act) It is recommended that the committee chair be held by Trauma Center Medical Directors of the Level I Trauma Centers in the Region.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 515.220 EMS Regional Plan Content**

a) The EMS Medical Directors Committee portion of the Regional Plan shall address at least the following:

1) Protocols for inter-System/inter-Region patient transports, including protocols for pediatric patients and pediatric patients with special health care needs, identifying the conditions of emergency patients which may not be transported to the different levels of emergency department, based on their Department classifications and relevant Regional considerations (e.g., transport times and distances);

2) Regional standing medical orders;

3) Patient transfer patterns, including criteria for determining whether a patient needs the specialized service of a trauma center, along with protocols for the bypassing of or diversion to any hospital, trauma center or Regional trauma center which are consistent with individual System bypass or diversion protocols and protocols for patient choice or refusal;

4) Protocols for resolving Regional or inter-System conflict;

5) An EMS disaster preparedness plan which includes the actions and responsibilities of all EMS participants with the Region for care and transport of both the adult and pediatric population;

6) Regional standardization of continuing education requirements;

7) Regional standardization of Do Not Resuscitate (DNR) policies, and protocols for power of attorney for health care;

8) Protocols for disbursement of Department grants (Section

3.30(a)(1-8) of the Act); and

9) Development of protocols to improve and integrate EMS for children (or EMSC) into the current delivery of emergency services within the Region.

b) The Trauma Center Medical Directors or Trauma Center Medical Directors Committee portion of the Regional Plan shall address at least the following:

1) The identification of Regional Trauma Centers and identification of trauma centers that specialize in pediatrics;

2) Protocols for inter-System and inter-Region trauma patient transports, including identifying the conditions of emergency patients which may not be transported to the different levels of emergency department, based on their Department classifications and relevant Regional considerations (e.g., transport times and distances);

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3) Regional trauma standing medical orders;  
 4) Trauma patient transfer patterns, including criteria for determining whether a patient needs the specialized services of a trauma center, along with protocols for the bypassing of or diversion to any hospital, trauma center or Regional trauma center which are consistent with individual System bypass or diversion protocols and protocols for patient choice or refusal (These policies must include the criteria of Section 515.Appendix C.);

5) The identification of which types of patients can be cared for by Level I and Level II Trauma Centers;

6) Criteria for inter-hospital transfer of trauma patients, including the transfer of pediatric patients;

7) The treatment of trauma patients in each trauma center within the Region;

8) The establishment of a Regional trauma quality assurance and improvement subcommittee, consisting of trauma surgeons, which shall perform periodic medical audits of each trauma center's trauma services, and forward tabulated data from such reviews to the Department; and

9) A program for conducting a quarterly conference which shall include at a minimum a discussion of morbidity and mortality between all professional staff involved in the care of trauma patients. (Section 3.30(b)(1-9) of the Act)

A) This shall include but not be limited to all cases that have been deemed potentially preventable or preventable in the trauma center review using the American College of Surgeons "Guidelines for Judgement Regarding Mortality and Contributing Factors and Guidelines Related to Morbidity and Mortality" (from "Resources for Optimal Care of the Injured Patient"). This review should exclude trauma patients who were dead on arrival.

B) In addition, the review must include all patients who were transferred more than two hours from time of arrival at the initial institution and who meet one or more of the following criteria at the receiving trauma center:

- i) Admitted to an intensive care unit;
- ii) Admitted to a bed with telemetry monitoring;
- iii) Went directly to the operating room;
- iv) Went to the operating room from the emergency department;
- v) Discharged to a rehabilitation or skilled care facility;
- vi) Died following arrival.

C) The Region must include a review of morbidity/audit filters that have been determined by the Region.

D) Cumulative Regional reports will be made available upon request from the Department.

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- c) The Region's EMS Medical Directors and Trauma Center Medical Directors Committees shall appoint any subcommittees which they deem necessary to address specific issues concerning Region activities. (Section 3.30(c) of the Act)

d) Internal Disaster Plans

- 1) Each System hospital shall submit an internal disaster plan to the EMS Medical Directors Committee and the Trauma Center Medical Directors Committee.
- 2) The hospital internal disaster plan shall be coordinated with, or a part of, the hospital's overall disaster plan.
- 3) The plan shall be coordinated with local and State disaster plans.
- 4) The hospital internal disaster plan shall be developed by a hospital committee and shall at a minimum:
  - A) Identify the authority to implement the internal disaster plan, including the chain of command and how notification shall be made throughout the hospital;
  - B) Identify the critical operational elements required in the hospital in the event of an internal disaster;
  - C) If the facility needs to go on bypass or resource limitation status, identify the person responsible for notification and the persons both outside and within the hospital who should be notified;
  - D) Identify a person or group responsible for ensuring that needed resources and supplies are available;
  - E) Identify a person to communicate with representatives from other agencies, organizations, and the EMS System;
  - F) Identify a person who is responsible for procuring all supplies required to manage the facility and return the facility to the preincident status;
  - G) Identify the plan and procedure for educating facility employees on their role and responsibilities during the disaster;
  - H) Designate a media spokesperson;
  - I) Establish a method for resource coordination between departments and individuals to address management of staff, patients and patient flow patterns;
  - J) Designate a person (safety officer) with responsibility for establishing safety policies to include, but not be limited to, decontamination operations, safety zones, site safety plans, evacuation parameters, and traffic patterns;
  - K) Designate a location where personnel, not actually committed to the incident, will report for assignments, as needed (i.e., a staging area);
  - L) Include notification procedures to EMS Systems, area ambulances, both public and private, and police and fire authorities of the type of incident that caused the hospital to implement its internal disaster plan and of any special

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- instructions, e.g., use of a different driveway or entrance; Establish a designated form of communication, both internal and external, to maintain two-way communication (e.g., Mobile Emergency Communications of Illinois (MERCIL), ham radio, walkie talkies); and
- N) Include a policy to call in additional nursing staff when an identified staffing shortage exists.
  - e) Include contingency plans for the transfer of patients to other facilities if an evacuation of the hospital becomes necessary due to a catastrophe, including but not limited to a power failure. (Section 3.30 of the Act)

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: EMS SYSTEMS

## Section 515.300 Approval of New EMS Systems

- a) Beginning September 1, 1997, the Department shall approve the development of a new EMS System only when a local or Regional need for establishing such System has been identified (Section 3.20(c)(1) of the Act). The applicant shall submit documentation addressing the following:
  - 1) A clear description of its current role and status within the existing System;
  - 2) Its rationale for separating from the existing System and developing its own program;
  - 3) A description of the methods to be used for ensuring the coordination of emergency services with adjacent Systems, including the System that it proposes to leave;
  - 4) A statement detailing the effect that the proposed change will have on the area's pre-hospital services and patient referral patterns;
  - 5) A statement summarizing the steps to be taken to ensure that the necessary quality and level of care will be maintained during the implementation phase of the proposed System; and
  - 6) A letter of support or denial from the Regional Advisory Committee.
- b) Department approval shall be based upon any of the following criteria justifying a need for establishing a new EMS System:
  - 1) Existence of an uncovered geographic area;
  - 2) Unavailability of continuing education to current providers that participate in the area;
  - 3) Inconsistency of the level of the EMS System with the level of the provider;
  - 4) Recommendation of the Regional EMS Advisory Committee of the need for an additional EMS System; and



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- 5) Documentation of extenuating circumstances, to be reviewed by the Department on an individual basis, where a special need exists and/or a special population is not serviced by an existing EMS System.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 515.315 Bypass Status Review**

- a) The Department shall investigate the circumstances that caused a hospital in an EMS System to go on bypass status to determine whether that hospital's decision to go on bypass status was reasonable. (Section 3.20(c) of the Act)
- b) The hospital shall notify the Illinois Department of Public Health, Division of Emergency Medical Services, during the next business day following any bypass or resource limitation decision. This notification can be faxed.
- c) In determining whether a hospital's decision to go on bypass status was reasonable, the Department shall consider the following:
- 1) The number of critical or monitored beds available in the hospital at the time that the decision to go on bypass status was made; and
  - 2) Whether an internal disaster, including but not limited to a power failure, had occurred in the hospital at the time that the decision to go on bypass status was made.
- d) For Trauma Centers only, the following situations constitute a reasonable decision to go on bypass status:
- 1) All operating suites are in use; or
  - 2) The CAT scan is not working.

- e) The Department may impose sanctions, as set forth in Section 3.140 of the Act, upon a Department determination that the hospital unreasonably went on bypass status in violation of the Act. (Section 3.20(c) of the Act)

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART H: TRAUMA CENTERS

**Section 515.2000 Trauma Center Designation**

- a) The Department shall attempt to designate trauma centers in all areas of the State. There shall be at least one Level I Trauma Center serving each EMS Region, unless waived by the Department. Level I Trauma Centers shall serve as resources for Level II Trauma Centers in the EMS Regions. The extent of such relationships shall be defined in the EMS Region plan. (Section 3.90(b)(5) of the Act)

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- b) Any hospital seeking designation as a Level I or Level II Trauma Center shall submit an application form (see Section 515.Appendix A of this Part) as prescribed by the Department.
- c) Upon receipt of a completed application, the Department shall conduct a site visit to determine compliance with the Act and this Part. A report of the inspection shall be provided to the Director within 30 days of the completion of the site visit. (Section 3.90(b)(3) of the Act) The applicant hospital shall be operational for designation within six months after the application and site survey are approved.
- d) The Department shall designate those applicant hospitals as Level I or Level II Trauma Centers which meet the requirements established by the Act and this Part.
- e) Beginning September 1, 1997 the Department shall designate a new Trauma Center only when a local or Regional need for such a Trauma Center has been identified by the applicable EMS Region's Trauma Center Medical Directors Committee, with advice from the Regional Trauma Advisory Committee. (Section 3.90(b)(4) of the Act) Department designation shall be based upon any of the following criteria justifying a need for designation of a new Trauma Center:
- 1) Number of expected trauma cases;
  - 2) An estimated time of arrival to existing Trauma Centers greater than 25 minutes;
  - 3) The number of times that surrounding Trauma Centers went on bypass status within the preceding year;
  - 4) A recommendation by the Trauma Regional Advisory Board or Regional EMS Advisory Committee that there is an identifiable need for additional Trauma Centers since the trauma system was implemented; and
  - 5) Documentation of extenuating circumstances, which will be reviewed by the Department on an individual basis, where a special need exists and/or a population is not serviced by an existing Trauma Center.
- f) A Trauma Center designation shall be for two years.
- g) All requests for renewal of Trauma Center designations shall be filed in writing (see Section 515.Appendix B of this Part) with the Department before the designation expiration date. If the renewal request meets the requirements of this Part, the existing designation shall continue in full force and effect until a final Department decision on the renewal request has been issued.
- h) Any Level Trauma Center may voluntarily terminate its designation prior to its expiration date by notifying the Department in writing. Such notification shall include the anticipated date of termination, which shall not exceed 60 days after notice is received by the Department, and shall describe the procedures taken by the Trauma Center to notify the providers, hospitals, EMS systems and other Trauma Centers in the EMS Region.
- i) No facility shall use the phrase "Trauma Center" or words of similar meaning in relation to itself or hold itself out as a Trauma Center

DEPARTMENT OF PUBLIC HEALTH

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without first obtaining designation pursuant to the Act and this Part.  
(Section 3.105 of the Act)

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing
- 2) Code Citation: 11 Ill. Adm. Code 502
- 3) Section Numbers: \_\_\_\_\_  
Proposed Action: Amendment  
502.40
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking eliminates the prohibition against owners with temporary licenses entering horses 12 days after the issuance of a temporary license.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Gina DiCaro  
Illinois Racing Board  
Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, IL 60601  
(312) 814-5070

- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small business affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking

## ILLINOIS RACING BOARD

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was not anticipated by the Board and, therefore, did not appear in our regulatory agenda.

The full text of the proposed amendments begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 502  
LICENSING

## SUBPART A: PROCEDURE

Section	
502.10	Submission of Application
502.20	Complete Application
502.30	License Fees
502.40	Duration and Extent of Occupation Licenses
502.50	Rulings and Hearings
502.55	Denial of License
502.58	License to Participate

## SUBPART B: STATUTORY GROUNDS FOR DENIAL OF A LICENSE

Section	
502.60	Denial of a License for Criminal Conviction
502.72	First-Time Applicant Who Has Been Convicted of a Crime
502.76	Prohibitions Against Persons on Conditional Discharge, Parole, Probation or Supervision
502.78	Probationary Nature of Licenses
502.80	Unqualified to Perform the Duties
502.90	Falsifying Answers or Omitting Facts
502.100	Just Cause
502.102	Burden of Going Forward
502.104	Denial of a License for Just Cause in Illinois or in Another Racing Jurisdiction

## SUBPART C: GENERAL CRITERIA

Section	
502.110	Criteria for Determining Eligibility
502.115	Standards Required of All Applicants

## SUBPART D: OWNERS

Section	
502.120	Owners

## SUBPART E: TRAINERS AND ASSISTANT TRAINERS



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AUTHORITY: Implementing Section 15 and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/15 and 9(b)].

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 9711, effective July 27, 1982, for a maximum of 150 days; adopted and codified at 6 Ill. Reg. 13786, effective October 25, 1982; amended at 7 Ill. Reg. 5225, effective April 1, 1983; amended at 11 Ill. Reg. 20611, effective January 1, 1988; amended at 13 Ill. Reg. 1562, effective January 23, 1989; amended at 13 Ill. Reg. 4931, effective March 22, 1989; amended at 14 Ill. Reg. 17641, effective October 16, 1990; amended at 15 Ill. Reg. 11985, effective August 12, 1991; amended at 16 Ill. Reg. 12774, effective July 31, 1992; amended at 17 Ill. Reg. 19961, effective November 9, 1993; amended at 18 Ill. Reg. 11615, effective July 7, 1994; amended at 19 Ill. Reg. 5034, effective April 1, 1995; amended at 19 Ill. Reg. 17190, effective January 1, 1996; amended at 20 Ill. Reg. 13052, effective October 1, 1996; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: PROCEDURE

Section 502.40 Duration and Extent of Occupation Licenses

- a) Each occupation license shall expire December 31 of each year. Owners otherwise meeting the requirements of Section 502.30 and Subparts B, C, and D of this part shall be granted a temporary license pending completion of the full application, which will be valid for 30 days from the date of issuance--and shall be valid to enter the horses named on the application for a period of 12 days--from the date of issuance. Upon expiration of the 30-day temporary license, the owner's occupation license will be suspended pending completion of all licensing procedures.
- b) An occupation license issued at one race meeting during the calendar year shall be valid at any other race meeting regulated by the Board that year provided that the holder:
  - 1) is not found to be in violation of the Act or of the rules of the Board;
  - 2) is not convicted of a crime as defined in 502.60;
  - 3) has not had his license or permit suspended or revoked in any other racing jurisdiction; and
  - 4) is qualified to perform the duties required of such applicant, according to Sections 502.120 through 520.790.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Trainers and Assistant Trainers  
Prospective Trainers or Assistant Trainers  
Workers' Compensation

SUBPART F: JOCKEYS AND APPRENTICE JOCKEYS

Jockeys and Apprentice Jockeys  
Apprentice Jockeys, Criteria for Eligibility  
Apprentice Contract or Certificate

SUBPART G: DRIVERS

Harness Driver  
Prospective Harness Drivers  
"Q" Licenses  
"P" Licenses  
"A" Licenses

SUBPART H: OTHER LICENSEES

Veterinarians  
Veterinary Assistant  
Farriers (Blacksmiths)  
Exercise Riders  
Pony Person  
Stable Foreman  
Jockey Agents  
Authorized Agents  
Tack Shop Operators and Other Vendors  
Vendor Helper  
Thoroughbred Grooms  
Harness Grooms  
Hotwalker  
Totalizator Employee

SUBPART I: CONFLICTS OF INTEREST

General Provision  
Dual Licensing  
Limitations on License  
Husbands and Wives  
Transfer of a Horse

Section  
502.800  
502.820  
502.830  
502.840  
502.850

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Procedures and Requirements for Determining Loan Priorities of Projects in the Public Water Supply Loan Program

- 2) Code Citation: 35 Ill. Adm. Code 663

- 3) Section Numbers: Adopted Action:

663.110 New Section  
 663.120 New Section  
 663.130 New Section  
 663.140 New Section  
 663.150 New Section  
 663.160 New Section  
 663.210 New Section  
 663.220 New Section  
 663.230 New Section  
 663.240 New Section  
 663.250 New Section  
 663.260 New Section  
 663.270 New Section  
 APPENDIX A

- 4) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.9 of the Illinois Environmental Protection Act [ 415 ILCS 5/19.1 through 19.9].

- 5) Effective Date of Rule: February 10, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? Yes

- 8) Date filed in Agency's principal office: December 12, 1997

- 9) Notice of Proposal Published in the Illinois Register: 21 Ill. Reg. 9931, August 1, 1997

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

1. In the Authority Note and Section 663.120, "19.1 through 19.8" has been changed to "19.1 through 19.9".
2. In Section 663.270, "to allow completion of a multiplicative calculation" has been deleted.
3. In paragraph I.A.8 of Appendix A, "five" has been changed to "5".

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED RULES

4. In Section 663.210, "(A1 x A2) + A3" has been changed to "A1 + A2 + A3".

5. In Section 663.230(b)(2), "Section 663.260" has been changed to "Section 663.270".

6. In Section 663.230(d), "For projects that will correct violations of the State's protection of public health rules regarding adequate pressure, transmission, and storage of drinking water, as contained in 35 Ill. Adm. Code, and evidenced by an Agency issued notice of violation, Agency field inspection report or Agency approved project planning, the A2 factor value will be 25 points" has been deleted and replaced with "projects that will extend or provide community drinking water to an area currently served by private wells will receive a score of 15 points, plus a need factor which will be quantified from the percentage of private wells found to be out of compliance with regulations or advisories administered by the Illinois Department of Public Health and which pose a potential threat to public health based on sampling or inspection as determined by the health authority responsible for the area to be served. The percentage of wells, expressed as a decimal, that are unsatisfactory will be multiplied by 10 and the result added to the 15 points to complete the A2 score."

7. In Section 663.240, "(as provided by the Illinois Department of Employment Security)" has been inserted after "State average", and "(as determined from the 1990 census figures for social, economic and housing characteristics)" has been inserted after "persons in poverty".

8. In Section 663.250(c), "point" has been added after "0.5".

9. In paragraph I.A.10 of Appendix A, "score 1 point for limited number and 2 points for significant number" has been changed to "score 2 points".

10. In paragraph I.B.1 of Appendix A, "an extended drought" has been changed to "a drought condition".

11. In paragraph I.B.2 of Appendix A, "SOC" has been changed to "synthetic organic chemicals".

12. In paragraph I.B.5 of Appendix A, "Are the pumps in good condition" has been changed to "Can the pumps operate to design specifications".

13. In paragraph II.1 of Appendix A, "What is the age of the treatment facilities since last upgrade" has been changed to "How many years since the treatment facilities were last upgraded"; "10 years old" has been changed to "10 years"; "20 years old" has been changed to "20

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years"; and "40 years old" has been changed to "40 years".

14. In paragraph III.1 of Appendix A, "any" has been deleted, and "score 1 point for limited number of undersized mains and 2 points for significant number of undersized mains" has been changed to "score 2 points".

15. In paragraph III.10 of Appendix A, "score 1 point for minor violation and 2 points for major violation" has been changed to "score 2 points".

16. In paragraph III.13 of Appendix A, "an excessive amount of" has been deleted.

17. In paragraph IV.4 of Appendix A, "up to" has been deleted.

18. In paragraphs IV.8 and IV.9 of Appendix A "answer is" has been deleted.

19. In paragraphs IV.9, "score one point if limited portion of distribution experiences low pressures, score 2 points if significant portion of distribution system has low pressure problems" to "score 2 points".

- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this proposed rule replace an emergency rule currently in effect?  
This rule replaces an emergency rule filed with the Secretary of State on July 17, 1997.

- 14) Are there any amendments pending on this Part? No

- 15) Summary of Purpose of Rulemaking: In the 1996 Amendments to the federal Safe Drinking Water Act (P.L. 1004-182, Sec.3) Congress established a drinking water revolving loan program to provide capitalization grants to the states to set up loan programs for public water supplies to finance infrastructure needed to achieve or maintain compliance with the requirements of the Safe Drinking Water Act. To enable Illinois to participate in the loan program, the General Assembly created the Public Water Supply Loan Program (PWSLP) and delegated the administration of the program to the Agency. This Part 663 sets out the criteria the Agency will use in prioritizing PWSLP loan applications.

- 16) Requests for information and questions regarding this adopted rule may be directed to:

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Ronald P. Drainer  
Manager, Infrastructure Financial Assistance Section  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-2027

The full text of the Adopted Rule begins on the next page:



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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE F: PUBLIC WATER SUPPLIES

## CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

## PART 663

## PROCEDURES AND REQUIREMENTS FOR DETERMINING LOAN

## PRIORITIES OF PROJECTS IN THE PUBLIC WATER SUPPLY LOAN PROGRAM

## SUBPART A: INTRODUCTION

## Section

663.110 Purpose

663.120 Definitions

663.130 Incorporation by Reference

663.140 Priority System and Project Priority List

663.150 Pre-applications

663.160 Project Planning

## SUBPART B: PROCEDURE FOR CALCULATING THE LOAN PRIORITY INDEX

## Section

663.210 Formula for Computing the Loan Priority Index

663.220 A1 Factor (Population)

663.230 A2 Factor (Project Need)

663.240 A3 Factor (Financial Hardship)

663.250 A4 Factor (Source Water Protection)

663.260 A5 (Small Public Water Systems)

663.270 Scoring Conventions

## APPENDIX A Service Continuation Scoring Sheet

AUTHORITY: Implementing and authorized by Sections 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5/19.1 through 19.9].

SOURCE: Adopted at 22 Ill. Reg. ~~3768~~ effective

**FEB 10 1998**

## SUBPART A: INTRODUCTION

## Section 663.110 Purpose

This Part sets forth the procedures and requirements established by the Illinois Environmental Protection Agency (Agency) for determining priorities in awarding financial assistance for the construction of public water supply facilities under the Environmental Protection Act (the Act) [415 ILCS 5] and the federal Safe Drinking Water Act Amendments of 1996 (42 U.S.C. 300f).

## Section 663.120 Definitions

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- a) Unless specified otherwise, all terms shall have the meanings set forth in the Environmental Protection Act [415 ILCS 5], the federal Safe Drinking Water Act (42 U.S.C. 300f) and regulations adopted under these Acts, including 35 Ill. Adm. Code: Subtitle F, Part 662.
- b) For purposes of this Part, the following definitions apply:

"Acute Violation" -- Exceedance of a maximum contaminant level (MCL) or treatment technique requirement for a contaminant that would cause an acute health effect with a sudden onset, sharp rise and short course of illness as provided in the National Primary Drinking Water Rules (40 CFR 141.32).

"Agency" -- Illinois Environmental Protection Agency.

"Chronic Violation" -- Exceedance of an MCL or treatment technique requirement for a contaminant that would cause a health effect of a chronic nature requiring a long exposure to the contaminant before effects occur, as provided in National Primary Drinking Water Regulations (40 CFR 141.32).

"Fund" -- The Water Revolving Fund authorized by 415 ILCS 5/19.3, consisting of the Water Pollution Control Loan Program, the Public Water Supply Loan Program and the Loan Support Program.

"Health Hazard Determination" -- A Health Hazard Determination exists when concentrations of regulated contaminants, in a water supply, or concentrations of contaminants not otherwise regulated, exceed health effects standards published in U.S. Environmental Protection Agency (USEPA) Health Advisories, or by the Illinois Department of Public Health or by the U. S. Centers for Disease Control or which otherwise pose an immediate threat to public health.

"Intended Use Plan" -- A plan which includes a description of the short and long term goals and objectives of the PWSLP, project categories, terms of financial assistance, communities and populations benefitted. [415 ILCS 5/19.2(e)]

"Local Government Unit" -- A county, municipality, township, municipal or county sewerage or utility authority, sanitary district, public water district, improvement authority or any other political subdivision whose primary purpose is to construct, operate and maintain wastewater treatment facilities or public water supply facilities or both. [415 ILCS 5/19.2(g)]

"Maximum Contaminant Level" (MCL) -- The maximum permissible level of a contaminant in water that is delivered to any user of a public water system.

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Section 663.150 Pre-applications

- a) A local government unit may submit a pre-application at any time. The pre-application must provide the reason for the project, the scope of the project, the population to be served by the project, a cost estimate and a schedule for completion of the project.
- b) An applicant is required to renew its pre-application annually.
- c) Pre-applications must be received by March 31 of the preceding fiscal year to be included on the Project Priority List and on the Intended Use Plan.

Section 663.160 Project Planning

- a) The priority of projects on the Project Priority List will be adjusted to reflect completed and approved project planning.
- b) Projects on the Project Priority List may be split into more than one project, deleted or modified as a result of the approval of the project planning (see 35 Ill. Adm. Code 662: Subpart E).

SUBPART B: PROCEDURE FOR CALCULATING THE LOAN PRIORITY INDEX

Section 663.210 Formula for Computing the Loan Priority Index

The Loan Priority Index (LPI) is a number that is calculated from five factors. The LPI is calculated as follows:  $A1 + A2 + A3 + A4 + A5 = LPI$ .

Section 663.220 A1 Factor (Population)

A1 is a factor which evaluates the existing population that is served by the proposed project. A1 is calculated as log base 10 of the number of persons served by the project, with a maximum value of 5.30 points. The applicant shall provide the population served figure, which the Agency will verify from its records.

Section 663.230 A2 Factor (Project Need)

A2 is a factor that evaluates and quantifies eligible drinking water needs associated with a proposed project. The need for the proposed projects will be quantified by using the most appropriate of the following methodologies:

- a) For projects that meet the Health Hazard Determination criteria set out in Section 663.120, the A2 score will be 100 points.
- b) For projects that will correct violations of the Safe Drinking Water Act determined through compliance monitoring, points will be awarded based on the seriousness of the violations that make the project necessary. The violations will be quantified from the applicant's Monthly Operating Reports. The values for the violations are as follows:
  - 1) Acute Violation 75 points;

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"Monthly Operating Reports" -- Reports submitted monthly by public water supplies that report on the operation of the water supply, including water pumpage, chemical additions, chemical residuals and maintenance.

"PWSLP" -- The Public Water Supply Loan Program as authorized by 415 ILCS 5/19.1 through 19.9.

"Priority System" -- A methodology used to rank projects for inclusion on the Project Priority List.

"Project Priority List" -- An ordered listing of projects developed in accordance with this Part 663 which the Agency has determined are eligible to receive financial assistance from the PWSLP.

"SDWA" -- The federal Safe Drinking Water Act, 42 U.S.C. 300f.

"Treatment Technique Requirement" -- An enforceable procedure developed by USEPA when it is not economically or technologically feasible to ascertain the level of a contaminant. Public water supplies must follow this procedure and treat their drinking water supplies according to USEPA specifications to ensure the contaminant is controlled.

"Wellhead Protection Program" -- The wellhead protection program for the State of Illinois, approved by the USEPA under Section 1428 of the federal SDWA (42 U.S.C. 300h-7).

Section 663.130 Incorporation by Reference

U.S. Department of Commerce, Economics and Statistics Administration, Bureau of the Census: 1990 Census Population and Housing: Summary Social, Economic, and Housing Characteristics, Illinois, Table 9, 1990 CPH-5-15 (no later editions or amendments).

Section 663.140 Priority System and Project Priority List

- a) Financial assistance will be provided from the PWSLP only to projects which are identified on the Project Priority List.
- b) Projects will be ranked for inclusion on the Project Priority List using the methodology set out in Subpart B of this Part.
- c) The Agency will provide the list to individual members of the public upon request. All public comments received will be taken into account in establishing the Project Priority List.
- d) A project with approved project planning may be added to the Project Priority List at any time by the submission of a pre-application.

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- 2) Chronic Violation 50 points.  
For projects that will prevent future acute or chronic violations and address a need that has been demonstrated by compliance monitoring, Section 663.270 allows for assigning a portion of the acute and chronic violation points for priority scoring purposes.
- c) For projects that will correct violations of the State's protection of public health rules regarding adequate pressure, transmission, and storage of drinking water, as contained in 35 Ill. Adm. Code 653 and evidenced by an Agency issued notice of violation, the initial A2 value will be 20 points. This value will be augmented by the points assigned from the Service Continuation Scoring Sheet (Appendix A) based on information contained in the approved project planning report and Agency inspection.
- d) Projects that will extend or provide community drinking water to an area currently served by private wells will receive a score of 15 points, plus a need factor which will be quantified from the percentage of private wells found to be out of compliance with regulations or advisories administered by the Illinois Department of Public Health and which pose a potential threat to public health based on sampling or inspection as determined by the health authority responsible for the area to be served. The percentage of wells, expressed as a decimal, that are unsatisfactory will be multiplied by 10 and the result added to the 15 points to complete the A2 score.
- e) Renovation, repair, reconstruction or replacement of facilities to maintain the safe and adequate water supply capabilities for which they were designed and to enable their continued service will be scored by completion of the Service Continuation Scoring Sheet (Appendix A). The assigned values which will be based on information contained in the approved project planning report and Agency inspection will be used as the A2 factor in the LPI calculation up to a maximum of 20 points.

**Section 663.240 A3 Factor (Financial Hardship)**

A3 is a factor which adds points for applicants that have a higher rate of unemployment than the State average (as provided by the Illinois Department of Employment Security), and includes points for the percentage of persons in poverty (as determined from the 1990 Census figures for social, economic and housing characteristics). The A3 factor is calculated by adding the unemployment percentage points to the persons in poverty points from the following tables:

Percentage Above State Average Unemployment Rate	
Percentage	Points
0.1 - 2.0	1.25
2.1 - 4.0	2.50

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4.1 - 6.0	3.75
6.1 and above	5.00
Percentage of Persons in Poverty	
Percentage	Points
5.0 - 10.0	1.00
10.1 - 15.0	2.00
15.1 - 20.0	3.00
20.1 - 25.0	4.00
25.1 and above	5.00

**Section 663.250 A4 Factor (Source Water Protection)**

A4 is a factor that adds points for applicants that have taken specific steps to protect their source water or have incorporated water conservation measures in their approved project planning report. These points will be awarded by the Agency for the program elements as follows:

- a) Communities that have incorporated water conservation measures as a cost-effective alternative to additional capacity. 1.0 point
- b) Communities that have committed to the Agency to develop source water protection programs through one of the following mechanisms:  
1) Consent decree or compliance initiative agreement; 0.5 point  
2) Federal Safe Drinking Water Act Monitoring Waiver Program as described in 35 Ill. Adm. Code 611.110(e); or  
3) Written commitment to pursue wellhead protection program.
- c) Communities that have delineated their source water protection areas by one of the following mapping techniques:  
1) For surface water sources: An Agency approved delineation of the watershed boundary;  
2) For groundwater sources: An Agency approved delineation of the recharge area.



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- d) An Agency approved inventory of potential point sources of contamination. 0.5 point
- e) For completion of a contingency plan as described in Sections 1413(a)(5) and 1428(a)(5) of the federal Safe Drinking Water Act (42 U.S.C. 300g and 300h-7). 0.5 point
- f) For development of a Management Program for source water protection as described in the State Source Water Assessment and Protection Guidance prepared by USEPA pursuant to Section 1453 of the federal Safe Drinking Water Act (42 U.S.C. 300j-13). 1.0 point

**Section 663.260 A5 Factor (Small Public Water Systems)**

A5 is a factor that provides a five point bonus to public water systems serving populations of less than 10,000.

**Section 663.270 Scoring Conventions**

- a) For purposes of assigning the A2 factor, projects that are being proposed to meet regulations that have been published in the Federal Register but have a future effective date will be considered the same as projects to correct violations of regulations that are already in effect.
- b) Projects that are being proposed to prevent future acute or chronic violations predicted by compliance monitoring are eligible for A2 factor points as follows:
- 1) The applicant's compliance monitoring records must show concentrations of the contaminant to be controlled of at least 75% of the acute or chronic violation limit (existing contaminant concentration divided by acute/chronic limit  $\times 100 = \%$  violation limit);
  - 2) The A2 points for the project will be calculated by multiplying the percentage violation limit by the appropriate acute or chronic A2 points in Section 663.230(b).
- c) For integrally related projects which require construction by more than one local government unit, each project will proceed at the Loan Priority Index of the component project with the most favorable priority ranking.
- d) Where adequate data is not available to calculate an A2 factor, a value of 1.0 will be assigned.

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**Section 663.270 Appendix A Service Continuation Scoring Sheet****SERVICE CONTINUATION SCORING SHEET****Scoring Elements****Points****I. Raw Water Source****A. Groundwater**

1. Is source adequate to meet maximum average daily demand with the largest well out of service? Yes \_\_\_/No \_\_\_. (If no, score 3 points for <75% of maximum average daily demand, 2 points for 75% to 90% of maximum average daily demand, or 1 point for 90% to 99% of maximum average daily demand.)
2. What is the average age of the wells? \_\_\_ years. (Score 1 point if over 20 years, score 2 points if over 30 years.)
3. Are there any well casing defects (i.e., not 18 inches above ground level, leaking or deteriorating casing, improper casing material, etc.)? Yes \_\_\_/No \_\_\_. (If yes, score 1 point for each defect, maximum 2 points.)
4. Are there any potential sources of contamination within the setback zone or well recharge area? Yes \_\_\_/No \_\_\_. How many potential sources? \_\_\_ (Score 1 point for each potential source, maximum of 2 points.)
5. Have any aesthetic problems caused by secondary MCL exceedances been documented (i.e., iron, manganese, hardness, total dissolved solids, etc.)? Yes \_\_\_/No \_\_\_. (Score 1 point if yes.)
6. Is the raw water metered? Yes \_\_\_/No \_\_\_. (Score 1 point if water is un-metered.)
7. Are there any wells under the direct influence of surface water? Yes \_\_\_/No \_\_\_. (Score 3 points if any well is under the direct influence of surface water.) (If surface water type treatment is provided, do not score this point.)

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8. Were there any well pump failures during the last 5 years? Yes \_\_\_/No \_\_\_. (Score 1 point if 2 or more failures, 2 points if 5 or more failures.) \_\_\_\_\_
9. Are any of the wells in below grade pits? Yes \_\_\_/No \_\_\_. (Score 1 point for each well in a pit, maximum 2 points.) \_\_\_\_\_
10. Are there any customers on the raw water transmission line that do not receive fully treated water? Yes \_\_\_/No \_\_\_. (If yes, score 2 points.) \_\_\_\_\_

## Total Raw Groundwater Source Points \_\_\_\_\_

## B. Surface Water Source

1. Is the raw source adequate for maximum seasonal demand? Yes \_\_\_/No \_\_\_. Is the raw source adequate for a drought condition? Yes \_\_\_/No \_\_\_. (If inadequate for a drought condition, score 1 point, if inadequate for maximum seasonal demand score 3 points.) \_\_\_\_\_
2. Does the raw water meet raw water quality requirements? Yes \_\_\_/No \_\_\_. Is there synthetic organic chemicals contamination? Yes \_\_\_/No \_\_\_. NO(3) contamination? Yes \_\_\_/No \_\_\_. (If yes to either question, score 2 points.) \_\_\_\_\_
3. Is there deterioration of concrete structures? Yes \_\_\_/No \_\_\_. (If yes, score 1 point if structures are deteriorated, 3 points if deterioration threatens continued operation.) \_\_\_\_\_
4. Are raw water pumps adequate to meet maximum average daily demand with the largest pump out of service? Yes \_\_\_/No \_\_\_. (If no, score 3 points for <75% of maximum daily use, 2 points for 75% to 90% of maximum average daily use, or 1 point for 90% to 99% of maximum average daily demand.) \_\_\_\_\_
5. Can the pumps operate to design specifications? Yes \_\_\_/No \_\_\_. (Score 1 point for no.) \_\_\_\_\_

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6. Are raw water pumps protected from flooding? Yes \_\_\_/No \_\_\_. (Score 1 points for no.) \_\_\_\_\_
7. Can raw water be selected from multiple intake levels? Yes \_\_\_/No \_\_\_. (Score 1 point for no.) \_\_\_\_\_
8. Is the raw water transmission line sized to provide adequate raw water for both current and projected future demands? Yes \_\_\_/No \_\_\_. (Score 1 point for future inadequacy, score 2 points for current inadequacy.) \_\_\_\_\_
9. Are there any customers that receive untreated water from the transmission line? Yes \_\_\_/No \_\_\_. (Score 1 point for yes.) \_\_\_\_\_
10. Are there alternate sources of raw water? Yes \_\_\_/No \_\_\_. Are there alternate sources of finished water? Yes \_\_\_/No \_\_\_. (If both answers no, score 2 points.) \_\_\_\_\_
11. Does the reservoir have a siltation problem that requires periodic dredging? Yes \_\_\_/No \_\_\_. (Score 1 point if yes.) \_\_\_\_\_

## Total Raw Surface Water Source Points \_\_\_\_\_

## II. Water Treatment Plant

1. How many years since the treatment facilities were last upgraded? \_\_\_ years. (Score 1 point if over 10 years, 2 points if over 20 years and 3 points for over 40 years.) \_\_\_\_\_
2. Is the treatment plant capacity adequate to meet maximum average daily demand? Yes \_\_\_/No \_\_\_. (Score 2 points for <75% of demand or 1 point for 75% to 99% of demand.) \_\_\_\_\_
3. List the number of water outages during the last 5 years caused by treatment plant mechanical failures that resulted in a boil order being issued. \_\_\_ outages. (Score 1 point for each outage up to 4.) \_\_\_\_\_
4. Is there corrosion of the metal structures to be replaced or renovated? Yes \_\_\_/No \_\_\_. \_\_\_\_\_

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5. Is adequate distribution pressure maintained in all parts of the system under all conditions? Yes \_\_\_/No \_\_\_. (If no, score 1 point for localized low pressure area, 2 points if widespread low pressure.)

6. Is there an adequate number of valves to isolate main breaks and do the valves function properly? Yes \_\_\_/No \_\_\_. (If no, score 1 point.)

7. Are all mains constructed of approved materials? Yes \_\_\_/No \_\_\_. (If no, score 1 point.)

8. Are there any lead pigtails or service lines? Yes \_\_\_/No \_\_\_. (If yes, score 1 point.)

9. How many water main breaks have occurred in the past 5 years? \_\_\_ (Score 1 point for 5 or more and 2 points for 10 or more.)

10. Is there a proper separation between all water mains and sources of contamination? (Storm sewers, sanitary sewers, septic tanks and leaching fields, etc.) Yes \_\_\_/No \_\_\_. (If no, score 2 points.)

11. How old are the water mains for the planned project? \_\_\_ years. (Score 1 point if over 30 years old, 2 points if over 40 years old.)

12. Are all services metered? Yes \_\_\_/No \_\_\_. (If no, score 1 point.)

13. Have there been aesthetic complaints (color, taste, odor, etc.) from the distribution systems? Yes \_\_\_/No \_\_\_. (If yes, score 1 point.)

14. Does each customer have an individual service connection? Yes \_\_\_/No \_\_\_. (If no, score 1 point.)

Total Distribution System Points

IV. Finished Water Storage

1. Is the total amount of storage adequate? Yes \_\_\_/No \_\_\_. (If no, score 3 points)

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(If yes, score 1 point if metal structure is rusting and pitted, score 2 points if structure is leaking, and 3 points if corrosion threatens continued operation of the facility.)

5. Is there deterioration of concrete structures? Yes \_\_\_/No \_\_\_. (If yes, score 1 point if structure is deteriorated, 3 points if deterioration threatens continued operation.)

6. Is backup equipment available so that equipment maintenance can be performed without stopping operation? Yes \_\_\_/No \_\_\_. (If no, score 1 point if equipment to have maintenance can be by-passed, 2 points if equipment to have maintenance cannot be by-passed.)

7. Is existing treatment capable of continuously providing water that complies with primary and secondary MCLs and health advisories? Yes \_\_\_/No \_\_\_. (If no, score 1 point for secondary MCL and 2 points for primary MCL or health advisory.)

8. Is required safety equipment such as rubber gloves, goggles and air packs available and in good repair and are water supply personnel trained in the proper use of the equipment? Yes \_\_\_/No \_\_\_. (Score 1 point if equipment not available or staff not trained.)

Total Water Treatment Plant Points

III. Distribution System

1. Are there undersized water mains? Yes \_\_\_/No \_\_\_. (If yes, score 2 points.)

2. Are mains looped and dead ends minimized? Yes \_\_\_/No \_\_\_. (If no, score 1 point.)

3. What is the per cent of unaccounted for water? \_\_\_%. (If over 10%, score 1 point; if over 20%, score 2 points.)

4. Is there an accurate up-to-date map to locate mains, valves and service taps? Yes \_\_\_/No \_\_\_. (If no, score 1 point.)



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if storage is <50% adequate, 2 points if storage is 50% to 75% adequate, and 1 point if storage is 75% to 99% adequate.)

2. Are manholes properly constructed and secured? Yes \_\_\_/No \_\_\_. (If no, score 1 point for each improperly constructed/secured facility, maximum 2 points.)
3. What is the age of the affected water storage facility? \_\_\_ years. (Score 1 point for over 20 years old, 2 points for over 30 years old.)
4. Are vents and overflows properly constructed and screened? Yes \_\_\_/No \_\_\_. (If no, score 1 point.)
5. Is there corrosion of the metal structures to be replaced or renovated? Yes \_\_\_/No \_\_\_. (If yes, score 1 point if metal structure is rusting and pitted, score 2 points if structure is leaking, and 3 points if corrosion threatens continued operation of the facility.)
6. Is there deterioration of concrete structures? Yes \_\_\_/No \_\_\_. (If yes, score 1 point if structures are deteriorated, 3 points if deterioration threatens continued operation.)
7. For pressure storage, is the tank above ground and are appropriate appurtenances available (i.e., manhole, site glass, means of adding or releasing air, by-pass, etc.)? Yes \_\_\_/No \_\_\_. (If no, score 1 point if hydropneumatic storage does not comply with standards, score 1 point if system relies on buried pressure tank, maximum 2 points.)
8. Is the affected storage facility in need of painting and/or other preventive maintenance or rehabilitation? Yes \_\_\_/No \_\_\_. (If yes, score 1 point; if lead based paint needs removal/repainting, score 2 points.)
9. Are storage facilities designed and constructed so that all parts of the distribution system have adequate pressure? Yes \_\_\_/No \_\_\_. (If no, score 2 points.)

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## Total Finished Water Storage Points \_\_\_\_\_

## BONUS POINTS

Score one point for each of the following items that are answered yes.

1. Is an Active Cross-Connection Control Program documented and being implemented? Yes \_\_\_/No \_\_\_.
2. Are one or more certified operators employed, and is there a Certified Operator in Responsible Charge (ROINC) for both treatment and distribution on site daily? Yes \_\_\_/No \_\_\_.
3. Does the facility participate in area local cooperative management and emergency response activities (JULIE, information/equipment loan to nearby water supplies, etc.)? Yes \_\_\_/No \_\_\_.
4. Is a current, workable emergency plan in place and readily available to operational personnel? Yes \_\_\_/No \_\_\_.
5. Does this supply have a documented active source water protection program in place? Yes \_\_\_/No \_\_\_.

Total Bonus Points \_\_\_\_\_

Total Project Points \_\_\_\_\_

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- 1) Heading of the Part: Procedures for Issuing Loans from the Public Water Supply Loan Program

- 2) Code Citation: 35 Ill. Adm. Code 662

- 3) Section Numbers: Adopted Action:

662.110	New Section
662.120	New Section
662.130	New Section
662.140	New Section
662.210	New Section
662.220	New Section
662.310	New Section
662.320	New Section
662.330	New Section
662.340	New Section
662.410	New Section
662.420	New Section
662.430	New Section
662.440	New Section
662.450	New Section
662.460	New Section
662.470	New Section
662.510	New Section
662.520	New Section
662.610	New Section
662.620	New Section
662.630	New Section
662.640	New Section
662.650	New Section
662.660	New Section
662.670	New Section
662.710	New Section
662.720	New Section
662.730	New Section
662.740	New Section
662.750	New Section
662.810	New Section
662.820	New Section
662.830	New Section
662.910	New Section
662.920	New Section
662.930	New Section
662.940	New Section
662.1010	New Section
662.1020	New Section
662.1030	New Section
662.1110	New Section

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662.1120 New Section  
APPENDIX A New Section

- 4) Statutory Authority: Implementing and authorized by Sections 5/19.1 through 19.9 of the Illinois Environmental Protection Act. [415 ILCS 5/19.1 through 19.9].
- 5) Effective Date of Rule: February 10, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) Date filed in Agency's principal office: December 12, 1997
- 9) Notice of Proposal Published in the Illinois Register: 21 Ill. Reg. 9947, August 1, 1997
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
1. In the Table of Contents, under Subpart D, "Rates" has been changed to "Rate".
  2. In the Authority Note and Section 662.110, "19.8" has been changed to "19.9".
  3. In Section 662.130(b), under the definition of "Fixed Loan Rate", "rounded to the nearest .01 percent" has been deleted.
  4. In Section 662.140(a)(1), "June 1, 1987" has been changed to "1996".
  5. In Section 662.140(a)(2), "2) Great Lakes--Upper Mississippi River Board of State Public Health and Environmental Managers, Recommended Standards for Water Works, 1992 Edition. Health Research Inc., Health Educational Services Division, P.O. Box 7126, Albany, New York 12224, (518) 439-7286" has been deleted.
  6. In Section 662.140, a comma has been deleted after "Standards", and "140(a)(3)" has been changed to "140(a)(2)".
  7. In Section 662.140, subsection (a)(4), "4) American Water Works Association, AWWA Book Store, 6666 West Quincy Avenue, Denver, Colorado 80235:  
A) Part I: Water Sources, Second Edition, 1995;  
B) Part II: Water Treatment, Second Edition, 1995;  
C) Part III: Water Transmission and Distribution, Second Edition,

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1996;

D) Part IV: Water Quality, Second Edition, 1995;

E) Part V: Basic Science Concepts and Applications, 1995." has been deleted.

8. In Sections 662.340(b)(2) and 662.440, "Rates" has been changed to "Rate".

9. In Section 662.420(e), a period has been inserted after "March 31", and "The Agency will evaluate projects in priority order" has been inserted between "March 31" and "and may offer".

10. In Section 662.510(e)(4), "(see 20 ILCS 605/46.37)" has been added at the end of the sentence.

11. In Section 662.740(c), a period has been inserted after "Sacramento", and "or Water Sources, Part I, or Water Treatment, Part II, or Water Transmission and Distribution, Part III, or Water Quality, Part IV, or Basic Science Concepts and Applications, Part V, American Water Works Association, Denver, Colorado." has been deleted.

12. In Section 662.820(f), "disposed of" has been changed to "completed".

13. "Percent" has been changed to "%" in Sections 662.130(b), 662.220(b), 662.440, and 662.460(a) through (e).°

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this proposed rule replace an emergency rule currently in effect? This rule will replace an emergency rule that was filed with the Secretary of State on July 17, 1997.

14) Are there any amendments pending on this Part? No

15) Summary of Purpose of Rulemaking: In the 1996 Amendments to the Federal Safe Drinking Water Act (P.L. 1004-182, Sec.3) Congress established a drinking water revolving loan program to provide capitalization grants to the states to set up loan programs for public water supplies to finance infrastructure needed to achieve or maintain compliance with the requirements of the Safe Drinking Water Act. To enable Illinois to participate in the loan program, the General Assembly created the Public Water Supply Loan Program (PWSLP) and delegated the administration of the program to the Illinois Environmental Protection Agency. This Part 662 sets out the procedures the Agency will follow in administering the Public Water Supply Loan Program, including procedures for issuing PWSLP loans to public water supplies.

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16) Requests for information and questions regarding this adopted rule may be directed to:

Ronald P. Drainer  
Manager, Infrastructure Financial Assistance Section  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-2027

The full text of the Adopted Rule begins on the next page:



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State Environmental Review

SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

662.520

Section  
662.610 Requirements for Subagreements  
662.620 Construction Contracts  
662.630 Contracts for Personal and Professional Services  
662.640 Compliance with Procurement Requirements for Construction Contracts  
662.650 Disputes  
662.660 Indemnity  
662.670 Covenant Against Contingent Fees

SUBPART G: REQUIREMENTS APPLICABLE TO CONSTRUCTION INITIATION, CHANGES, COMPLETION AND OPERATION OF PROJECT

Section  
662.710 Construction Initiation  
662.720 Project Changes  
662.730 Construction Engineering  
662.740 Operation and Maintenance of the Project  
662.750 Final Inspection

SUBPART H: REQUIREMENTS APPLICABLE TO ACCESS, AUDITING, AND RECORDS

Section  
662.810 Access  
662.820 Audit and Records  
662.830 Single Audit Act

SUBPART I: REQUIREMENTS FOR OPERATION, MAINTENANCE AND REPLACEMENT REVENUE SYSTEM, FINANCIAL CAPABILITY, DEDICATED SOURCE OF REVENUE AND FLOODPLAIN INSURANCE

Section  
662.910 Operation, Maintenance and Replacement Revenue System  
662.920 Financial Capability  
662.930 Dedicated Source of Revenue  
662.940 Floodplain Insurance

SUBPART J: REQUIREMENTS APPLICABLE TO LOAN DISBURSEMENTS

Section  
662.1010 Determination of Allowable Costs  
662.1020 Use of Loan Funds and Payment of Unallowable Costs  
662.1030 Disbursement of Loan Funds

SUBPART K: PROCEDURES FOR LOAN REPAYMENT AND DELINQUENT REPAYMENT

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE F: PUBLIC WATER SUPPLIES

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 662

PROCEDURES FOR ISSUING LOANS FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM

SUBPART A: INTRODUCTION

Section  
662.110 Purpose  
662.120 Administration  
662.130 Definitions  
662.140 Incorporations by Reference

SUBPART B: FEDERAL REQUIREMENTS FOR THE PUBLIC WATER SUPPLY LOAN PROGRAM

Section  
662.210 Uses of the Public Water Supply Loan Program  
662.220 Agency Responsibilities Under the Federal Safe Drinking Water Act

SUBPART C: LIABILITIES AND REMEDIES FOR FAILURE TO COMPLY WITH LOAN PROCEDURES

Section  
662.310 Noncompliance with Loan Procedures  
662.320 Stop-Work Order  
662.330 Termination  
662.340 Waiver of Procedures

SUBPART D: PROCEDURES FOR ISSUANCE OF LOANS

Section  
662.410 Project Priority Determination  
662.420 Pre-Applications for Financial Assistance and Identification of Projects to be Funded  
662.430 Financial Assistance Application and Approval  
662.440 Fixed Loan Rate  
662.450 Restrictions on Refinancing  
662.460 Limitation on Design Cost  
662.470 Limitation on Loan Amount

SUBPART E: PROJECT PLANNING REQUIREMENTS FOR LOAN PROJECTS

Section  
662.510 Loan Applicant's Responsibilities During Project Planning

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Section  
662.1110 Loan Repayment to the Agency  
662.1120 Delinquent Loan Repayments  
APPENDIX A Executive Orders  
EXHIBIT A Executive Order 11625  
EXHIBIT B Executive Order 12138  
EXHIBIT C Executive Order 12549

AUTHORITY: Implementing and authorized by Sections 19.1 through 19.9 of the Illinois Environmental Protection Act [415 ILCS 5/19.1 through 19.9].

SOURCE: Adopted at 22 Ill. Reg. **3709-1-1** effective  
**FEB 10 1998**

NOTE: In this Part, superscript numbers or letters are denoted by parentheses and subscript are denoted by brackets.

## SUBPART A: INTRODUCTION

## Section 662.110 Purpose

The federal Safe Drinking Water Act Amendments of 1996 include a mechanism to provide capitalization grants to the states for the purpose of establishing drinking water revolving loan funds. 42 U.S.C. 300j-12 authorizes the Administrator of the United States Environmental Protection Agency to enter into agreements with the states to establish these loan funds, and establishes specific requirements for the development and operation of the state loan programs. The Illinois General Assembly has created the Public Water Supply Loan Program (PWSLP), to be administered by the Illinois Environmental Protection Agency [415 ILCS 5/19.1 through 19.9]. This Part 662 sets out the procedures the Agency will use to operate the PWSLP, including the issuance of loans for the construction of public water supply facilities.

## Section 662.120 Administration

The Public Water Supply Loan Program, an interest-bearing special fund, will be administered by the Agency as an instrumentality of the State of Illinois in accordance with the Operating and Capitalization Grant Agreements between the Agency and the USEPA in accordance with State and federal laws.

## Section 662.130 Definitions

- a) Unless specified otherwise, all terms shall have the meanings set forth in the Environmental Protection Act (Act) [415 ILCS 5] and the regulations adopted thereunder.
- b) For the purposes of this Part, the following definitions apply:

Addenda -- Documents issued by the loan applicant after advertisement

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for bids, which modify or interpret the contract documents, drawings, and specifications, by additions, deletions, clarifications or corrections.

Agency -- Illinois Environmental Protection Agency.

Binding Commitment -- A legal obligation between the Agency and a local government unit to provide financial assistance from the Public Water Supply Loan Program to that local government unit, specifying the terms and schedules under which assistance is provided. The loan agreement will be considered a binding commitment.

Building Cost -- The cost of erection of construction contract line items. Building costs do not include preliminary planning, engineering, architectural, legal, fiscal, administrative or contingency costs.

Capitalization Grant -- The actual federal funds received by the Agency for deposit into the PWSLP as a result of the capitalization grant agreement with the USEPA.

Capitalization Grant Agreement -- The agreement entered into each federal fiscal year between the Agency and the USEPA for the purpose of providing a grant to capitalize the PWSLP and enable the Agency to provide assistance for construction of public water supply facilities.

Change Order -- A written order by the loan recipient to the contractor authorizing an addition, deletion or revision in the work within the general scope of the contract documents, or authorizing an adjustment in the contract price or contract time.

Construction -- Any one or more of the following which is undertaken for a public purpose: preliminary planning to determine the feasibility of the public water supply facilities; engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement or extension of public water supply facilities, or the inspection or supervision of any of the foregoing items. [415 ILCS 5/19.2(d)]

Contract Documents -- The contract, including but not limited to advertisement for bids, information for bidders, bid, bid bond agreement, payment bond, performance bond, notice of award, notice to proceed, change order, drawings, specifications, and addenda.

Dedicated Source of Revenue -- The type of security and the basis of legal authorization which are dedicated by legislative enactment or

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other appropriate authority along with the applicable revenue source pledged for repayment and deposited into an account restricted to the purpose of loan repayment to the PWSLP, which is sufficient to repay the principal and interest on the loan.

Design -- All administrative, legal, and engineering tasks, subsequent to project plan approval but prior to advertisement for bid proposal, associated with receiving approval of a loan application. This shall include the following: surveys, designs, plans, working drawings, specifications, soil investigations and any other tests or process determinations required to establish design criteria, and development of user charge systems.

Director -- Director of the Illinois Environmental Protection Agency.

Fixed Loan Rate -- One-half the market interest rate but not less than 2.50%.

Fund -- The Water Revolving Fund authorized by 415 ILCS 5/19.3, consisting of the Water Pollution Control Loan Program, the Public Water Supply Loan Program, and the Loan Support Program.

Initiation of Loan Repayment Period -- The date in a loan agreement or amendment that establishes the beginning point of the loan repayment period.

Initiation of Operation -- The date specified by the loan agreement on which use of the project began operation for the purposes that it was planned, designed and constructed.

*Intended Use Plan* -- A plan which includes a description of the short and long term goals and objectives of the PWSLP, project categories, terms of financial assistance, communities and population benefitted. [415 ILCS 5/19.2(e)]

Interest Rate -- Not less than one-fourth of the market interest rate rounded to the nearest .01%.

Loan Agreement -- The contractual agreement between the Agency and the local government unit which contains the terms and conditions governing the loan issued from the PWSLP.

Loan Applicant -- A local government unit that has applied for a loan from the PWSLP for construction of public water supply facilities.

Loan Commitment Letter -- The letter that is sent by the Agency to the loan applicant which reserves loan funds and identifies the requirements that must be satisfied prior to the execution of the loan

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agreement.

Loan Procedures -- The procedures for issuing loans from the Public Water Supply Loan Program as set out in this Part 662.

Loan Recipient -- A local government unit which has been provided a loan for construction of public water supply facilities from the PWSLP.

Loan Support Rate -- Not more than one-fourth of the market interest rate rounded to the nearest .01%.

*Local Government Unit* -- A county, municipality, township, municipal or county sewerage or utility authority, sanitary district, public water district, improvement authority or any other political subdivision whose primary purpose is to construct, operate and maintain wastewater treatment facilities or public water supply facilities or both. [415 ILCS 5/19.2(g)]

Market Interest Rate -- The mean interest rate of the 20 General Obligation Bond Buyer Index, from July 1 to June 30 of the preceding State fiscal year rounded to the nearest .01%.

Operating Agreement -- The agreement between the Agency and USEPA that establishes the policies, procedures and activities for the application and receipt of federal capitalization grant funds for capitalization of the PWSLP.

Principal -- All disbursements, including interest and loan support accrued on the disbursements, that will be financed at the time the repayment schedule period begins.

Project -- The activities or tasks the Agency identifies in the loan agreement for which the loan recipient may expend loan funds.

Project Priority List -- An ordered listing of projects developed in accordance with the priority system described in 35 Ill. Adm. Code 663: Subpart B (Procedures for Calculating the Loan Priority Index) which the Agency has determined are eligible to receive financial assistance from the PWSLP.

PWSLP -- The Public Water Supply Loan Program as authorized by Section 19.2 of the Environmental Protection Act [415 ILCS 5/19.2].

Responsible Bid -- A bid that demonstrates the apparent ability of the bidder to successfully meet all the requirements specified in the contract documents. Information required to demonstrate responsibility may be corrected or submitted after bid opening.



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Responsive Bid -- A bid that complies with all meaningful or material aspects of the contract documents. The bid must constitute a definite and unqualified offer to meet the material requirements of the contract documents including any terms that affect price, quality, quantity or time of delivery, or are clearly identified in the contract documents to be complied with at the risk of bid rejection for non-responsiveness. Bid defects resulting in a non-responsive bid may not be corrected after the bid opening.

SDWA -- The federal Safe Drinking Water Act, as amended (42 U.S.C. 300f).

Subagreement -- A written agreement between the loan recipient and another party and any tier of agreement thereunder to furnish services, supplies, or equipment necessary to complete the project for which a loan was provided, including contracts for personal and professional services and purchase orders.

Useful Life -- The estimated period during which a public water supply facility is intended to be operable.

USEPA -- The United States Environmental Protection Agency.

**Section 662.140 Incorporations by Reference**

- a) The following publications are incorporated by reference:
- 1) American Institute of Certified Public Accountants Professional Standards (1996), 666 Fifth Avenue, New York, New York 10019.
  - 2) California State University, Sacramento, School of Engineering:
    - A) Small Water System Operation and Maintenance, Third Edition, 1995;
    - B) Water Distribution System Operation and Maintenance, Third Edition, 1996;
    - C) Water Treatment Plant Operation, Volume I, Third Edition, 1996 and Volume II, Second Edition, 1995.
- b) This Part 662 incorporates no future editions or amendments.

SUBPART B: FEDERAL REQUIREMENTS FOR  
THE PUBLIC WATER SUPPLY LOAN PROGRAM

**Section 662.210 Uses of the Public Water Supply Loan Program**

- a) To accept and retain funds from grant awards, appropriations, transfers and payments of interest and principal;
- b) To make direct loans at or below market interest rates to any eligible

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local government unit to finance the construction of public water supplies;

- c) To buy or refinance debt obligations of a local government unit incurred on or after July 17, 1997;
- d) To guarantee local obligations where such action would improve credit market access or reduce interest rates;
- e) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State, if the proceeds of such bonds will be deposited in the PWSLP. [415 ILCS 5/19.3(d)]

**Section 662.220 Agency Responsibilities Under the Federal Safe Drinking Water Act**

The Agency will prepare an Intended Use Plan (IUP) and negotiate an Operating Agreement with USEPA, which will be the basis for the Capitalization Grant Agreement. These documents establish the procedures, activities and assurances for operation of the PWSLP, including but not limited to the following:

- a) Grant payments will be accepted in accordance with a payment schedule established jointly by the Agency and the USEPA;
- b) A 20% State match will be deposited into the PWSLP according to an agreed upon schedule;
- c) A listing and description of projects on the Project Priority List to be provided financial assistance, the terms of financial assistance and the size of the community served;
- d) The loan repayment period cannot exceed 20 years beyond the earlier of the initiation of operation date or the initiation of the loan repayment period;
- e) All repayments of loan principal and interest must be deposited into the PWSLP;
- f) Biennial reporting to the USEPA on the Agency's activities under the federal Safe Drinking Water Act;
- g) A description of the criteria and methods used for distribution of funds; and
- h) A description of the financial status of the PWSLP.

SUBPART C: LIABILITIES AND REMEDIES FOR FAILURE TO COMPLY WITH LOAN PROCEDURES

**Section 662.310 Noncompliance with Loan Procedures**

- a) In the event of noncompliance with any condition or obligation arising out of the loan that occurs before the final audit, the Director may take any necessary action as provided by law or by the loan agreement against the loan recipient including, but not limited to, one or more of the following actions:
  - 1) Commence legal action in a court of competent jurisdiction;
  - 2) Declare all amounts under the loan immediately due and payable, enforce any security, and recover all loan funds;

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- 3) Terminate the loan pursuant to Section 662.330 (Termination);
  - 4) Suspend all or part of the project work pursuant to Section 662.320 (Stop-Work Order); or
  - 5) Reduce the amount of the loan by the amount of misused funds.
- b) No action shall be taken under this Section without prior consultation with the loan recipient.
- c) In determining whether to take action the Agency shall, at a minimum, consider mitigating or aggravating factors, including but not limited to the severity and number of the violations; whether the violation is a continuing one; whether the loan recipient can remedy the violation; and whether the loan recipient remains capable of complying with the approved project work.

**Section 662.320 Stop-Work Order**

- a) The Agency may, for any violation of this Part, by written order, require the loan recipient to stop all or any part of the project work for a period of not more than 30 days after the date of the order, and for any further period to which the parties may agree. Any such order shall include a list of the project activities to which it applies. Upon receipt of a stop-work order, the loan recipient shall immediately comply with its terms and shall minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within 30 days after the date of the stop-work order, or within the period of any extension to which the parties have agreed, the Agency shall:

- 1) Cancel the stop-work order upon resolution of the violation or cause leading to that stop-work order; or
- 2) Terminate the work covered by the stop-work order as provided in Section 662.330(a).

- b) If a stop-work order is canceled or the period of the order or any extension thereof expires, the loan recipient shall resume work. An adjustment may be made in the loan period, the project period, the loan amount, or any combination of these, and the loan amended accordingly, if the loan recipient asserts a written claim for such an adjustment within 30 days after the end of the work stoppage.

- c) All costs that are incurred by the loan recipient after the receipt of a stop-work order or during any agreed to extension of the stop-work order period to which the Agency and the loan recipient have agreed, shall be deemed unallowable costs unless otherwise authorized by the Agency in writing or authorized under the loan procedures.

**Section 662.330 Termination**

- a) Loan Termination by the Agency
- The Agency, by written notice and after consultation with the loan recipient, may terminate the loan in whole or in part. Cause for termination shall include, but not be limited to, failure by the loan

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recipient to comply with the terms and conditions of the loan or to provide adequate funding. Upon loan termination, the loan recipient shall refund any unexpended loan funds to the State of Illinois to be deposited in the PWSLP, except for such portion as may be required to pay the allowable costs of materials and equipment furnished or services rendered under an enforceable contract prior to the effective date of the termination.

## b) Project Termination by the Loan Recipient

A loan recipient who wishes to terminate a project for which the loan has been provided must submit a written request to the Agency that documents good cause for the proposed termination. If the Agency agrees that there is good cause for termination of all or any portion of the project, it shall enter into a termination agreement with the recipient or unilaterally terminate the loan. If the Agency finds that the loan recipient has terminated the project without good cause, it shall declare the loan in default, and all loan funds previously paid to the loan recipient, together with interest thereon, shall be returned to the State of Illinois in accordance with a schedule established by the Agency for deposit into the PWSLP. Good cause to terminate a loan project includes, but is not limited to:

- 1) Changes in economic circumstances within the loan recipient's service area; and
- 2) Information that the approved treatment technology will not perform as originally anticipated.

**Section 662.340 Waiver of Procedures**

- a) Except as provided in subsection (b) below or otherwise required by law, the Director may waive any of the loan procedures, either in whole or in part, by a written statement to the loan applicant, either as a special condition of the loan or otherwise, provided the Director finds that the procedure or requirement to be waived is not necessary to insure the integrity of the project, will not reduce an applicant's ability to repay the loan to the Agency or will not, in general, weaken the financial position of the PWSLP. The waiver may be subject to such additional conditions the Director deems necessary.

The following procedures will not be waived:

- 1) Section 662.410 (Project Priority Determination)
- 2) Section 662.440 (Fixed Loan Rate)
- 3) Section 662.510 (Loan Applicant's Responsibilities During Project Planning)
- 4) Section 662.520 (State Environmental Review)
- 5) Section 662.620(d)(3) (Wage Provisions)
- 6) Section 662.620(d)(4) (MBE/WBE Requirements)
- 7) Section 662.620(d)(5) (Debarred or Suspended Certification)
- 8) Section 662.630(a)(1) (MBE/WBE Requirements)
- 9) Section 662.630(a)(4) (Debarred or Suspended Certification)
- 10) Section 662.740 (Operation and Maintenance of the Project)

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- 11) Section 662.910 (Operation, Maintenance and Replacement Revenue System)
- 12) Section 662.930 (Dedicated Source of Revenue)

## SUBPART D: PROCEDURES FOR ISSUANCE OF LOANS

**Section 662.410 Project Priority Determination**

- a) Financial assistance from the PWSLP will be provided only to local government units for projects on the Project Priority List developed by the Agency pursuant to 35 Ill. Adm. Code 663.
- b) The Project Priority List sets out the priority for receipt of loans for each loan applicant. Priorities will be established in accordance with 35 Ill. Adm. Code 663 after the receipt by the Agency of loan pre-applications pursuant to Section 662.420 (Pre-Applications for Financial Assistance and Identification of Projects to be Funded).
- c) Projects included on the Intended Use Plan will be selected from projects on the Project Priority List to be funded in priority order, provided the project is scheduled to initiate construction by March 31 of the subsequent federal fiscal year.

**Section 662.420 Pre-Applications for Financial Assistance and Identification of Projects to be Funded**

- a) Every loan applicant shall submit to the Agency a pre-application that includes the following items:
  - 1) The reason for the proposed project;
  - 2) A description of the proposed project;
  - 3) An estimated project cost;
  - 4) A proposed schedule for construction; and
  - 5) The population to be served by the proposed project.
- b) Loan applicants for financial assistance, during any federal fiscal year commencing October 1, must file a new pre-application annually by the preceding March 31 to qualify for possible inclusion in the Intended Use Plan.
- c) A project with approved project planning may be added to the Project Priority List at any time by the submission of a pre-application.
- d) By July 1 of each year, the Agency shall publish a list of the projects which are proposed for funding during the next federal fiscal year. These projects will be included in the Intended Use Plan.
- e) After January 1 of each year, the Agency may bypass projects on the Intended Use Plan that cannot meet the schedule to initiate construction by March 31. The Agency will evaluate projects in priority order and may offer loan commitments to other projects on the Project Priority List in accordance with Section 662.430 (Financial Assistance Application and Approval).

**Section 662.430 Financial Assistance Application and Approval**

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- a) In order to issue a loan commitment letter, the Agency must have received the following documents:
  - 1) A completed loan application form for financial assistance;
  - 2) An approved project plan in accordance with Section 662.510 (Loan Applicant's Responsibilities During Project Planning);
  - 3) Loan Program Certifications;
  - 4) An executed inter-governmental agreement necessary for project implementation, where necessary;
  - 5) Certification of compliance with federal Executive Order 12549 (Appendix A, Exhibit C) regarding debarment, suspension and other responsibility matters;
  - 6) A resolution or ordinance authorizing a representative of the loan applicant to sign loan application documents;
  - 7) Evidence of compliance with the Relocation and Real Property Acquisition Policies Act of 1970 (P.L. 91-646);
  - 8) A statement that the necessary project site, rights-of-way, easements and permits have been obtained;
  - 9) A statement of intent to comply with the National Flood Insurance Act of 1968 (42 U.S.C. 4001-4127) in accordance with Section 662.940 (Floodplain Insurance);
  - 10) An approved operation, maintenance and replacement revenue system in accordance with Section 662.910 (Operation, Maintenance and Replacement Revenue System);
  - 11) An enacted authorized loan security and approved dedicated source of revenue in accordance with Section 662.930 (Dedicated Source of Revenue);
  - 12) The construction drawings and specifications, suitable for bidding purposes;
  - 13) A construction permit application and permit or "authorization to construct" from the Agency, pursuant to the provisions of Sections 14 through 17 or Sections 39 and 40 of the Environmental Protection Act [415 ILCS 5/14 through 17, 39 and 40], whichever is applicable;
  - 14) A project completion schedule;
  - 15) An executed contract for design and construction related work in accordance with Section 662.630 (Contracts for Personal and Professional Services);
  - 16) A compliance report (Title VI, Civil Rights Act of 1964, as amended (P.L. 88-352));
  - 17) An enacted ordinance authorizing the bonds, notes or other evidence of indebtedness to be delivered to the Agency; and
  - 18) A legal opinion from the loan recipient's legal counsel with respect to the validity and enforceability of the loan recipient's obligations and the absence of conflicts with other agreements, bonds or ordinances.
- b) In addition to the items identified in subsection (a) above, the Agency must have received the following items before it will issue the actual Loan Agreement:
  - 1) A completed loan application form for financial assistance;
  - 2) An approved project plan in accordance with Section 662.510 (Loan Applicant's Responsibilities During Project Planning);
  - 3) Loan Program Certifications;
  - 4) An executed inter-governmental agreement necessary for project implementation, where necessary;
  - 5) Certification of compliance with federal Executive Order 12549 (Appendix A, Exhibit C) regarding debarment, suspension and other responsibility matters;
  - 6) A resolution or ordinance authorizing a representative of the loan applicant to sign loan application documents;
  - 7) Evidence of compliance with the Relocation and Real Property Acquisition Policies Act of 1970 (P.L. 91-646);
  - 8) A statement that the necessary project site, rights-of-way, easements and permits have been obtained;
  - 9) A statement of intent to comply with the National Flood Insurance Act of 1968 (42 U.S.C. 4001-4127) in accordance with Section 662.940 (Floodplain Insurance);
  - 10) An approved operation, maintenance and replacement revenue system in accordance with Section 662.910 (Operation, Maintenance and Replacement Revenue System);
  - 11) An enacted authorized loan security and approved dedicated source of revenue in accordance with Section 662.930 (Dedicated Source of Revenue);
  - 12) The construction drawings and specifications, suitable for bidding purposes;
  - 13) A construction permit application and permit or "authorization to construct" from the Agency, pursuant to the provisions of Sections 14 through 17 or Sections 39 and 40 of the Environmental Protection Act [415 ILCS 5/14 through 17, 39 and 40], whichever is applicable;
  - 14) A project completion schedule;
  - 15) An executed contract for design and construction related work in accordance with Section 662.630 (Contracts for Personal and Professional Services);
  - 16) A compliance report (Title VI, Civil Rights Act of 1964, as amended (P.L. 88-352));
  - 17) An enacted ordinance authorizing the bonds, notes or other evidence of indebtedness to be delivered to the Agency; and
  - 18) A legal opinion from the loan recipient's legal counsel with respect to the validity and enforceability of the loan recipient's obligations and the absence of conflicts with other agreements, bonds or ordinances.



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- 1) A copy of the bid advertisement(s);
- 2) Any addenda issued by the loan applicant, if applicable;
- 3) A certification of publication;
- 4) The bidder's 5% bid bond or cashier's check;
- 5) The low bidder's certificate of nonsegregated facilities;
- 6) A summary of the evidence that the contractor and engineer have met MBE/WBE requirements;
- 7) The submittal of bid tabulations;
- 8) A letter from the engineering firm to the applicant containing the consultant's analysis of bids and the engineer's recommendations for the award of the bids;
- 9) A copy of the successful bid proposals;
- 10) The notice of the applicant's intent to award; and
- 11) A certification from the prime contractor and engineer that they have not or will not use the services of anyone who has been debarred or suspended under Federal Executive Order 12549 for construction work. This certification is also required for all subcontracts over \$25,000.

**Section 662.440 Fixed Loan Rate**

The fixed loan rate is comprised of an interest rate and a loan support rate. The fixed loan rate charged for a public water supply facilities loan shall be a simple annual rate at one-half the market interest rate, but not less than 2.50%.

**Section 662.450 Restrictions on Refinancing**

- a) No project cost incurred prior to the execution of the loan agreement shall be eligible for loan assistance except:
  - 1) Design costs set forth in Section 662.460 (Limitation on Design Cost) and bidding costs related to eligible construction contracts; and
  - 2) Project costs where the local obligations were incurred and construction was initiated after July 17, 1997 to eliminate a health hazard as defined in 35 Ill. Adm. Code 663.
- b) Notwithstanding subsection (a)(2) above, no costs incurred under a construction contract awarded more than 90 days after the effective date of this Part 662 shall be eligible for loan refinancing unless the Agency has granted written approval prior to the contract award.

**Section 662.460 Limitation on Design Cost**

Allowable costs for design of the loan project will be limited to the actual cost incurred for design up to a maximum percentage of the allowable as bid construction cost.

- a) For allowable as bid construction costs of \$500,000 or less, the design will be funded up to 15%;

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- b) For allowable as bid construction costs of \$500,001 to \$2,000,000, the design will be funded up to 12%;
- c) For allowable as bid construction costs of \$2,000,001 to \$5,000,000, the design will be funded up to 10%;
- d) For allowable as bid construction costs of \$5,000,001 to \$10,000,000, the design will be funded up to 8%; and
- e) For allowable as bid construction costs of more than \$10,000,000, the design will be funded up to 7%.

**Section 662.470 Limitation on Loan Amount**

The annual loan amount available to a loan recipient cannot exceed the lesser of \$10 million or 25% of monies available for loans, unless the amount required for projects with approvable loan applications is less than the available funds for that fiscal year.

## SUBPART E: PROJECT PLANNING REQUIREMENTS FOR LOAN PROJECTS

**Section 662.510 Loan Applicant's Responsibilities During Project Planning**

- a) The loan applicant shall:
  - 1) Undertake and complete project planning, which shall consist of plans and studies that are directly related to the construction of public water supply facilities, to maintain compliance with State and federal requirements as specified in 35 Ill. Adm. Code Subtitle F and the Federal Safe Drinking Water Act;
  - 2) Demonstrate to the Agency through its plans and studies the need for the facilities for which loan assistance is being requested; and
  - 3) Demonstrate by a systematic evaluation of feasible alternatives that the proposed facilities represent the cost-effective means of meeting applicable drinking water standards and goals, recognizing environmental and social conditions as set forth below.
- b) If any information required to be furnished as part of a project plan has been developed separately, it shall be furnished and incorporated by reference into the project plan. Planning previously or collaterally accomplished under local, State or federal programs may be utilized to the extent applicable.
- c) The project plan shall be submitted to the Agency for approval. Where applicable, the applicant shall also submit drafts of any inter-governmental agreements or demonstrations of legal authority necessary to plan implementation.
- d) The project plan may include more than one construction project and may provide the basis for several subsequent projects. The Agency shall review any project plan that has previously served as the basis for a loan, to determine if changes have occurred that require amendment of the plan for the subsequent project. If substantial

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changes have occurred that warrant revision or amendment of the plan as specified in Section 662.520, the loan applicant shall revise or amend and resubmit it for Agency approval in accordance with Section 662.520(a) and (b).

e) A project plan shall include the following elements in sufficient detail to, at minimum, comply with all applicable construction permit supporting data requirements of 35 Ill. Adm. Code 652.104:

1) A complete description of the public water supply system of which the proposed project is a part, identification of any existing violations of federal or State public water supply regulations, and identification of the needs to be addressed by the proposed project.

2) A discussion of the technical, financial, and managerial considerations that form the basis for the applicant's selection of the cost-effective project from the range of alternatives available and considered. When appropriate to the project scope, the following issues must be addressed:

- A) The relationship of the nature, size and capacity of each alternative to the needs to be served, including reserve capacity;
  - B) A discussion of the operational requirements of each alternative and provisions for disposal of waste by-products in accordance with State requirements;
  - C) An assessment of the capability of each alternative to maintain compliance with drinking water standards;
  - D) An inventory of the relative environmental impacts of each alternative and a discussion of the measures that would be required during design and construction to mitigate or minimize negative environmental impacts;
  - E) Adequate basis of design information for each alternative to confirm the reasonability of cost estimates;
  - F) A comparison of costs for each alternative, including both capital and operational costs over the design life of the facilities.
- 3) A detailed description of the alternative selected for loan assistance, including preliminary engineering data, complete cost estimates for design and building, and a projected schedule for completion. The engineering data shall include, to the extent appropriate, flow diagrams, unit process descriptions, detention times, flow rates, unit capacities, etc., sufficient to demonstrate the project proposed will be designed in accordance with 35 Ill. Adm. Code 651 through 654.
- 4) Any required comments or approvals from relevant federal, State, interstate, regional or local agencies, including, at minimum, comments from the Illinois Historic Preservation Agency and the State Clearinghouse (see 20 ILCS 605/46.37).
- 5) An implementation plan for the proposed recommendations, including necessary financial arrangements for operating the

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facility and repayment of the proposed loan amount, as well as the impact of these costs on the system users.

## Section 662.520 State Environmental Review

a) Prior to making a final determination on the acceptability of any project plan, the Agency shall undertake an environmental review. The Agency may categorically exclude certain classes of projects from environmental review when, by virtue of their limited scope, the projects have no potential for negative environmental impacts.

b) The Agency shall not begin its environmental review until it has determined that the project plan conforms to the requirements of Section 662.510 (Loan Applicant's Responsibilities During Project Planning), and that, based on the information available, all reasonable measures have been taken in the planning to avoid and mitigate negative environmental impacts.

c) The scope of the Agency's environmental review shall include, but not be limited to, an assessment of the impacts of both the loan funded project and the overall planning on rare and endangered species, historic and cultural resources, prime agricultural land, air and water quality, recreational areas, wetlands, floodplains and other sensitive environmental areas. The review shall also assess the direct and indirect impacts of construction on the loan applicant.

d) For all projects requiring an environmental review, the Agency will assess the environmental impacts of the proposed project and prepare a written Preliminary Environmental Impacts Determination (PEID). The public will be given an opportunity to comment on the project plan and the Agency's environmental impacts assessment.

e) The PEID shall be mailed to the loan applicant and other interested parties, inviting public comment. Within 60 days after receipt of the Agency's preliminary determination, the loan applicant shall hold a public hearing on the plan and the Agency's PEID for the purpose of obtaining public comment. The loan applicant shall allow an additional 15 days from the date of the public hearing for the submission of public written comments.

f) The time and place of the public hearing shall be conspicuously and adequately announced at least 10 days before the hearing. In addition, the Agency's PEID document shall be displayed at a convenient local site sufficiently prior to the hearing to obtain a level of public participation appropriate to the scope and impacts of the proposed project.

g) The loan applicant shall provide written notice of the public hearing to interested local, State and federal agencies, State and regional clearinghouses, citizen groups and local public officials.

h) The loan applicant shall provide the Agency with an accurate summary of all public comments received, together with any proposed amendments to the plan made in response to these comments.

i) Upon receipt of this public hearing summary and after the expiration

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of the 15 day written comment period, the Agency shall take the following action:

- 1) An unconditional approval of the plan (original or as amended); or
  - 2) A conditional approval of the plan with special conditions; or
  - 3) A disapproval of the plan based on evidence of significant negative environmental impacts for which appropriate mitigative measures have not been identified; or
  - 4) A determination of the need for an Environmental Impact Statement (EIS) under the National Environmental Policy Act (42 U.S.C. 4332). The Agency may change its disapproval to approval or conditional approval based on the recommendations of the EIS.
- j) For projects categorically excluded from the environmental review process, the Agency shall provide to the applicant a Notice of Intent to Issue a Categorical Exclusion. The applicant shall publish the Notice in a newspaper of local record, and allow 15 days for public comment. If no valid objection is raised to the Categorical Exclusion, the Agency shall issue an unconditional approval of the project plan. Should valid concerns be raised over potential environmental impacts, the Agency shall proceed with an environmental review under this Section or issue a conditional approval where the applicant incorporates mitigative measures that would clearly resolve the environmental concerns.
- k) Agency approval of a project plan shall be valid for purposes of loan funding for a period of five years, after which time the plan must be updated and resubmitted to the Agency for review and approval. The Agency shall prepare a revised environmental review and provide an opportunity for public comment.
- 1) At any time within five years from the date of project plan approval, the Agency may rescind its approval and require the planning to be amended, if there are changes to the scope of proposed construction or significant alterations to planning area conditions or underlying assumptions that might alter the previous conclusions regarding environmental impacts or cost-effectiveness. For projects where the amended planning would result in substantial changes in environmental or economic impacts, the Agency may require public comment prior to granting approval of the amended plan.
  - m) Additions to the project scope or changes to the location of proposed construction activity shall require an amendment to an approved project plan. Where the Agency determines that the proposed changes will not alter the previous environmental impacts findings, it will approve planning amendments by letter. In other cases, additional environmental review and public comment may be required.
  - n) Agency project planning determinations made in accordance with subsection (i) above shall be subject to the provisions of the Illinois Administrative Procedure Act [5 ILCS 100].

## SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

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## Section 662.610 Requirements for Subagreements

The following procedures shall apply to subagreements:

- a) Local Preference
 

Local laws, ordinances, regulations or procedures that are designed to operate to give local or in-state bidders or proposers preference over other bidders or proposers shall not be used in evaluating bids or proposals for subagreements under PWSLP loans.
- b) Profits
 

Only fair and reasonable profits may be earned by contractors in subagreements under PWSLP loans. Profit included in a formally advertised, competitively bid, fixed price construction contract awarded pursuant to Section 662.620 (Construction Contracts) is presumed to be reasonable. If a subagreement is not competitively bid, the loan recipient shall submit to the Agency its basis for determination of reasonable profit.
- c) Loan Recipient Responsibility
 

The loan recipient shall be responsible for the administration and successful accomplishment of the project for which PWSLP loan assistance is provided. The loan recipient shall be responsible for the settlement and satisfaction of all contractual and administrative issues arising out of subagreements, including, but not limited to, issuance of invitations for bids or requests for proposals, selection of contractors, award of contracts, protests of award, claims, disputes, and other procurement matters. With the prior written consent of the Agency, these functions may be performed for the loan recipient by an individual or firm retained for that purpose. Such an individual or firm shall be deemed the loan recipient's agent, and shall be subject to all the provisions of the loan agreement, including this Part 662, that apply to the loan recipient.
- d) Privy of Contract
 

Neither the Agency nor the State of Illinois shall be a party to any subagreement (including contracts or subcontracts), or to any solicitation or request for proposals thereunder.
- e) Subagreements shall:
  - 1) Be directly related to the accomplishment of the loan recipient's approved work program;
  - 2) Be in the form of an executed written agreement (except for small purchases of \$25,000 or less);
  - 3) Be for monetary or in-kind consideration; and
  - 4) Not be in the nature of a grant or gift.
- f) Documentation
  - 1) Procurement records and files for purchases in excess of \$25,000 shall include the following:
    - A) The basis for contractor selection;
    - B) The justification for lack of competition if competition appropriate to the type of project work to be performed is required but not obtained; and



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- C) The basis for award cost or price.
- 2) Procurement documentation as described in subsection (f)(1) above shall be retained by the loan recipient or contractor(s) for the period required by Section 662.920 (Audit and Records).
- g) Subagreements shall only be awarded to persons or organizations that:
- 1) Have adequate financial resources for performance;
  - 2) Have the necessary experience, organization, technical qualifications, and facilities, or a firm commitment, arrangement, or ability to obtain these requirements;
  - 3) Have the staffing sufficient to comply with the proposed or required completion schedule for the project;
  - 4) Have a satisfactory record of integrity, judgment and performance;
  - 5) Have an adequate financial management system and audit procedure which is consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards;
  - 6) Maintain a standard of procurement in accordance with this Part 662;
  - 7) Maintain a property management system which provides adequate procedures for the acquisition, maintenance, safeguarding and disposition of all property; and
  - 8) Conform to the civil rights, equal employment opportunity and labor law requirements of this Part 662.
- h) Fraud and Other Unlawful or Corrupt Practices
- 1) The obtaining and administration of loans from the PWSUP, and of subagreements awarded by loan recipients, shall be free from bribery, graft, kickbacks, and other corrupt practices. The loan recipient shall bear the primary responsibility for prevention and detection of such conduct and for cooperation with appropriate authorities in the prosecution of any such conduct.
  - 2) The loan recipient shall effectively pursue available State or local legal and administrative remedies, and take appropriate remedial action with respect to any allegations or evidence of illegality or corrupt practices that are brought to its attention. The loan recipient shall advise the Agency immediately when any such allegation or evidence comes to its attention, and shall periodically advise the Agency of the status and ultimate disposition of any matter.
- i) Negotiation of Subagreements
- All subagreements shall be awarded by formal advertising unless the loan recipient determines, and the Agency concurs, that it is impracticable and infeasible to use formal advertising. Negotiated contracts must be competitively awarded to the maximum practicable extent. Procurements may be negotiated by the loan recipient, if approved by the Agency, for the following reasons:
- 1) Public exigency, as evidenced by governmental declaration, will not permit the delay incident to advertising (e.g., an emergency

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- procurement); or
- 2) The aggregate amount involved does not exceed \$4,000; or
  - 3) The materials or services to be procured are available from only one person or firm; or
  - 4) The procurement is for personal or professional services, or for any services to be rendered by an educational institution; or
  - 5) No responsive, responsible bids at acceptable price levels have been received after formal advertising; or
  - 6) The procurement is for material or services where the prices are established by law; for technical items or equipment requiring standardization and interchangeability of parts with existing equipment; for experimental, developmental or research work; for highly perishable materials; resale; or for technical or specialized supplies requiring substantial initial investment for manufacture.

## Section 662.620 Construction Contracts

The following procedures shall apply to construction contracts (subagreements) awarded by loan recipients for the construction phase only. They shall not apply to personal and professional service contracts.

- a) Contract documents shall include bid, performance and payment bonds.
- b) Each contract shall be awarded after formal advertising, unless negotiation is permitted under Section 662.610(i) (Negotiation of Subagreements). Formal advertising shall be in accordance with the following:

- 1) Adequate bidding documents
  - Bidding documents (invitations for bid) shall be made available by the loan recipient and shall be furnished upon request in a timely manner. A complete set of bidding documents shall be maintained by the loan recipient and shall be available for inspection and copying by any party. The bidding documents shall include:
    - A) A complete statement of the work to be performed, including necessary drawings and specifications, and the required completion schedule. (Drawings and specifications may be made available for inspection instead of being furnished.);
    - B) The terms and conditions of the contract to be awarded;
    - C) A clear explanation of the method of bidding, the method of evaluation of bid prices, and the basis and method for award of the contract;
    - D) The statement that any contract awarded in response to the bid is expected to be funded in part by a loan from the PWSUP, and that neither the State of Illinois nor any of its departments, agencies or employees is or will be a party to this bidding or any resulting contract;
    - E) Responsibility requirements or criteria that will be used in evaluating bidders, provided that an experience requirement

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or performance bond may not be used unless adequately justified by the loan recipient;

F) A copy of subsections (b)(1)(G) and (H) below shall be included in the proposal form to be used by bidders and shall constitute a representation and certification to be considered as a part of their bid;

G) By submission of the bid each bidder certifies, and in the case of a joint bid each party thereto certifies as to his own organization, that in connection with the bid:

i) The prices in the bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to the prices with any other bidder or with any competitor;

ii) Unless otherwise required by law, the prices quoted in the bid have not knowingly been, prior to opening, directly or indirectly disclosed to any other bidder or to any competitor; and

iii) No attempt has been made or will be made by the bidder to induce any other person or firm to submit or withhold a bid for the purpose of restricting competition.

H) Each person signing the bid shall certify that:

i) He or she is the person in the bidder's organization responsible for the decision as to the prices being bid and that he or she has not participated, and will not participate, in any action contrary to subsection (b)(1)(G) above; or

ii) He or she is not the person in the bidder's organization responsible for the decision as to the prices being bid, but that he or she has been authorized to act as agent certifying that such persons have not participated, and will not participate, in any action contrary to subsection (b)(1)(G) above, and as their agent shall so certify. He or she shall also certify that he or she has not participated, and will not participate, in any action contrary to subsection (b)(1)(G) above.

2) Addenda to bidding documents

If the loan recipient wishes to amend any part of the bidding documents (including drawings and specifications) during the period when bids are being prepared, it shall send written addenda to all firms who have obtained bidding documents, in time to be considered prior to the bid opening time. When appropriate, the period for submission of bids shall be extended. All addenda to the bidding documents should be submitted to the Agency for approval prior to the bid opening.

3) Award to the low, responsive, responsible bidder

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A) After bids are opened, they shall be evaluated by the loan recipient in accordance with the methods and criteria set out in the bidding documents.

B) The loan recipient may reserve the right to reject all bids if it has documented sound business reasons. Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder after the bid evaluation has been submitted to the Agency and written notice of Agency approval has been received by the loan recipient.

C) If the award is intended to be made to a firm which did not submit the lowest bid, prior to any award, the loan recipient shall submit to the Agency a written statement, explaining why each lower bidder was deemed not responsive or not responsible.

c) Negotiations of Contract Amendments (Change Orders)

1) Loan recipient responsibility  
The loan recipient shall be responsible for negotiation of construction contract change orders. This function may be performed by the loan recipient directly or, if authorized, by its consulting engineer. During negotiations the loan recipient shall:

A) Make sure that the contractor has a clear understanding of the scope and extent of work and other essential requirements;

B) Assure that the contractor demonstrates that he will make available or will obtain the necessary personnel, equipment and materials to accomplish the work within the required time; and

C) Maintain a summary of all negotiations and the engineer's independent cost estimate.

2) Changes in contract price or time  
The contract price or time may be changed only by a change order. When negotiations are required, they shall be conducted in accordance with subsection (c) of this Section.

3) For each change order the contractor shall submit to the loan recipient for review sufficient cost and pricing data to enable the loan recipient to ascertain the necessity and reasonableness of costs and amounts proposed, and the allowability and eligibility of costs proposed.

4) Agency review

For each change order, the loan recipient shall submit to the Agency for approval the following documentation:

A) A description of the changed work;

B) The contractor's proposal itemizing the cost and time to complete the changed work;

C) The recipient's or engineer's estimate of the cost and time to complete the changes;

D) Two copies of the executed change order with justification

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including, but not limited to, the need for the proposed work and the technical solution; and

- E) The summary of negotiations and resolution between the engineer's independent cost estimate and the contractor's proposal.

d) Required Construction Contract Provisions

Each construction contract shall include the following provisions:

- 1) Audit; access to records
  - A) The contractor shall maintain books, records, documents and other evidence directly pertinent to performance on loan work consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards. The contractor shall also maintain the financial information and data used by the contractor in the preparation or support of any cost submissions required under subsection (c) above, (Negotiation of Contract Amendments (Change Orders)) and a copy of the cost summary submitted to the owner. The Illinois Auditor General, the owner, the Agency, or any of their authorized representatives shall have access to the books, records, documents, and other evidence for purposes of inspection, audit, and copying. The contractor shall provide facilities for access and inspection.
  - B) For a formally advertised, competitively awarded, fixed price contract, the contractor shall include access to records as specified in subsection (d)(1)(A) above for all negotiated change orders and contract amendments in excess of \$25,000 that affect the contract price. In the case of all other prime contracts, the contractor shall agree to include access to records as specified above in all his contracts and all tier subcontracts or change orders in excess of \$25,000 that are directly related to project performance.
  - C) Audits shall be consistent with generally accepted auditing standards in accordance with the American Institute of Public Accountants Professional Standards.
  - D) The contractor shall agree to the disclosure of all information and reports resulting from access to records pursuant to subsection (d)(1)(A) above. Where the audit concerns the contractor, the auditing agency shall afford the contractor an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.
  - E) The records required by subsection (d)(1)(A) above shall be maintained and made available during performance of the work under the loan agreement and for three years after the date

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of final loan audit. In addition, records that relate to any dispute or litigation or the settlement of claims arising out of any performance, costs or items to which an audit exception has been taken, shall be maintained and made available for three years after resolution of such dispute, appeal, litigation, claim, or exception.

- F) The right of access will generally be exercised with respect to financial records under:

- i) Negotiated prime contractors;
  - ii) Negotiated change orders or contract amendments in excess of \$25,000 affecting the price of any formally advertised, competitively awarded, fixed price contract; and
  - iii) Subcontracts or purchase orders under any contract other than a formally advertised, competitively awarded, fixed price contract.
- G) The right of access will generally not be exercised with respect to a prime contract, subcontract, or purchase order awarded after effective price competition. In any event, the right of access shall be exercised under any type of contract or subcontract:
- i) With respect to records pertaining directly to contract performance, excluding any financial records of the contractor; and
  - ii) If there is any indication that fraud, gross abuse, or corrupt practices may be involved in the award or performance of the contract or subcontract.

2) Covenant against contingent fees

The contractor shall warrant that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warranty, the owner shall have the right to annul the contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

3) Wage provisions

The contractor shall pay prevailing wages in accordance with the Illinois Prevailing Wage Act [820 ILCS 130].

4) MBE/WBE requirements

The contractor shall provide evidence, including but not limited to a copy of the advertisement(s) and the record of negotiation that it has taken affirmative steps in accordance with federal Executive Orders 11625 and 12138 (Appendix A, Exhibits A and B), to assure that small, minority and women's businesses are used when possible as sources of supplies, equipment, construction and services.



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- 5) Debarment or suspension provisions  
The contract shall require the successful bidder(s) to submit a certification of compliance with federal Executive Order 12549 (Appendix A, Exhibit C) regarding debarment, suspension and other responsibility matters.
- e) Subcontracts under Construction Contracts  
The award or execution of all subcontracts by a prime contractor and the procurement and negotiation procedures used by the prime contractor shall comply with the following:
  - 1) All applicable provisions of federal, State and local law;
  - 2) All provisions of this Part 662 regarding fraud and other unlawful or corrupt practices;
  - 3) All provisions of this Part 662 with respect to access to facilities, records and audit of records.
  - 4) Subsection (d)(5) above requires a certification of compliance with federal Executive Order 12549 regarding debarment, suspension, and other responsibility matters.
- f) Contractor Bankruptcy  
In the event of a contractor bankruptcy, the loan recipient shall notify the Agency and shall keep the Agency advised of any negotiations with the bonding company, including any proposed settlement. The Agency may participate in those negotiations and will advise the loan recipient of the impact of any proposed settlement to the loan agreement. The loan recipient shall be responsible for assuring that every appropriate procedure and incidental legal requirement is observed in advertising for bids and re-awarding a construction contract.

**Section 662.630 Contracts for Personal and Professional Services**

All subagreements for personal and professional services for design or construction expected to exceed \$25,000 in the aggregate shall include the following subagreement provisions:

- a) Subagreements for personal and professional construction services shall include:
  - 1) Evidence, such as, but not limited to, a copy of the advertisement(s) and the record of negotiation in accordance with federal Executive Orders 11625 and 12138 (Appendix A, Exhibits A and B), that affirmative steps have been taken to assure that small, minority and women's businesses are used when possible as sources of supplies, equipment, construction, and services;
  - 2) An audit and access to records clause that provides as follows:
    - A) Subsections (a)(2)(B) through (E) below shall be included in all contracts and all subcontracts directly related to project services that are in excess of \$25,000.
    - B) Books, records, documents and other evidence directly pertinent to performance of PWSLP loan work under this

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- agreement shall be maintained consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards. The Agency or any of its authorized representatives shall have access to the books, records, documents and other evidence for the purpose of inspection, audit and copying. Facilities shall be provided for access and inspection.
- C) Audits conducted pursuant to this provision shall be in accordance with generally accepted auditing standards.
- D) All information and reports resulting from access to records pursuant to subsection (a)(2)(B) above shall be disclosed to the Agency. The auditing agency shall afford the engineer an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.
- E) Records under subsection (a)(2)(B) above shall be maintained and made available during performance of project services under this agreement and for three years after the final loan closing. In addition, those records that relate to any dispute pursuant to Section 662.650 (Disputes) or litigation or the settlement of claims arising out of project performance or costs or items to which an audit exception has been taken, shall be maintained and made available for three years after the resolution of the appeal, litigation, claim or exception;
- 3) A "covenant against contingent fees" clause as follows:  
"The professional services contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bonafide employees. For breach or violation of this warranty, the loan recipient shall have the right to annul this agreement without liability or in its discretion to deduct from the contract price or consideration or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee";
- 4) A certification of compliance with federal Executive Order 12549 (Appendix A, Exhibit C) regarding debarment, suspension and other responsibility matters;
- 5) A description of the scope and extent of the project work;
- 6) The schedule for performance and completion of the contract work including, where appropriate, dates for completion of significant project tasks; and
- 7) A method of compensation.
  - b) Subagreements for personal and professional design services shall include the subagreement provisions contained in subsections (a)(2)

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through (a)(4) above. In addition, the subagreements shall be accompanied by a statement regarding the use of small, minority and women's business during the design service phase.

- c) If, at the time of contract execution, any of the elements required in this Section cannot be defined adequately for later tasks, those tasks shall not be included in the contract at that time.

#### Section 662.640 Compliance with Procurement Requirements for Construction Contracts

- a) Loan Recipient Responsibility

The loan recipient shall be responsible for selecting the low, responsive, and responsible bidder or other contractor in accordance with applicable requirements of State, federal, and local laws and ordinances, as well as for the specific requirements of the loan agreement directly affecting procurement. The loan recipient shall also be responsible for the initial resolution of complaints based upon alleged violations. Any complaints made to the Agency concerning any alleged violation of law in the procurement of construction services or materials for a project involving construction work will be referred to the loan recipient for resolution. The loan recipient shall promptly determine each complaint on its merits, and shall allow the complainant and any other party who may be adversely affected to state in writing or at a conference the basis for their views concerning the proposed procurement. The loan recipient shall promptly furnish to the complainant and to other affected parties, by certified mail, a written summary of its determination, substantiated by an engineering or legal opinion providing a justification for its determination.

- b) Time Limitations

Complaints should be made as early as possible during the procurement process, preferably prior to the bid opening, to avoid disruption of the procurement process. The complaint shall be mailed (certified mail, return receipt requested), or otherwise delivered, no later than five working days after the complainant becomes aware of an alleged violation. If there is no agreement between the parties within seven days following the loan applicant's response, unless all bids are rejected, the matter shall be resolved in accordance with subsection (c) below.

- c) Remedies

All claims, counter-claims, disputes and other matters in question between the recipient and the contractor arising out of, or relating to, a subagreement or its breach shall be decided by arbitration if the parties agree, or in a court of competent jurisdiction within the State.

- d) Deferral of Procurement Action

If the determination of a complaint by the loan recipient is adverse to the complainant, the loan recipient shall defer issuance of its

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solicitation or award or notice to proceed under the contract (as appropriate) for seven days after mailing or delivery of the determination. If the determination (whether made by the loan recipient, the arbitrator or the court) is favorable to the complainant, the terms of the solicitation shall be revised or the contract shall be awarded, as appropriate, in accordance with the determination.

#### Section 662.650 Disputes

- a) Only the loan recipient may appeal to the Agency in its own name and for its own benefit, under this provision, with respect to its subagreements. Neither a contractor nor a subcontractor may prosecute an appeal under the disputes provision of a loan in its own name or interest.
- b) Any dispute arising under this loan that is not disposed of by agreement shall be decided by the Director or his or her authorized representative, who shall render a decision in writing and mail or otherwise furnish it to the loan recipient. The decision of the Director shall be in accordance with this Part 662 and shall be final and conclusive.
- c) The disputes clause shall not preclude the Director from considering questions of law in any decision.

#### Section 662.660 Indemnity

The loan recipient shall assume the entire risk, responsibility and liability for all loss or damage to property owned by the loan recipient, the Agency or by third persons, and for any injury to or death of any persons (including employees of the loan recipient) caused by, arising out of, or occurring in connection with the execution of any work, contract or subcontract arising out of the PWSLP loan. The loan recipient shall indemnify, save harmless and defend the State of Illinois and the Agency from all claims for loss, damage, injury or death, whether caused by the negligence of the State of Illinois, the Agency, their agents or employees or otherwise, consistent with the provisions of Section 1 of the Construction Contract Indemnification for Negligence Act [740 ILCS 35/1]. The loan recipient shall require that all its contractors and subcontractors agree in writing that they will look solely to the loan recipient for performance of the contract or satisfaction of all claims arising thereunder.

#### Section 662.670 Covenant Against Contingent Fees

The loan recipient shall warrant that no person or agency has been employed or retained to solicit or secure a PWSLP loan upon an agreement or understanding for a commission, percentage, brokerage or contingent fee. For breach or violation of this warranty, the Agency shall have the right to annul the loan in accordance with Section 662.310 or to deduct from the loan, or otherwise

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recover, the full amount of the commission, percentage, brokerage or contingent fee.

**SUBPART G: REQUIREMENTS APPLICABLE TO CONSTRUCTION INITIATION, CHANGES, COMPLETION AND OPERATION OF PROJECT**

**Section 662.710 Construction Initiation**

Upon approval by the Agency of the loan applicant's financial assistance application in accordance with Section 662.430 (Financial Assistance Application and Approval), and subject to the availability of funds, the Agency will issue the loan agreement and authorize the initiation of construction.

**Section 662.720 Project Changes**

- a) Prior approval of the Agency is required for any project change that may:
- 1) Increase the amount of loan funds needed to complete the project;
  - 2) Alter the design or scope of the project;
  - 3) Extend any contract or loan completion date for the project;
  - 4) Alter the location, size, capacity or quality of any major item of equipment; or
  - 5) Alter the scope of the project by changing the methodologies or personnel to be used as agreed to at the time the loan was issued.
- b) The Agency will approve project changes that it determines are cost-effective and within the overall scope of the loan project based on approved project planning.
- c) The loan recipient shall promptly notify the Agency, in writing, of all project changes. Failure to give timely notice of proposed project changes, or action by the loan recipient that is not consistent with the Agency's determination on such changes, may result in:
- 1) Disallowance of loan participation for costs incurred that are attributable to the change; and
  - 2) Termination of the loan.

**Section 662.730 Construction Engineering**

The loan recipient shall provide construction engineering and project monitoring to assure that the construction substantially conforms with the approved plans and specifications.

**Section 662.740 Operation and Maintenance of the Project**

In order for the Agency to approve the final inspection for the project, the loan recipient must certify that it has a certified operator and that it has provided the following training and operation and maintenance documents:

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- a) Training pertaining to the proper operation and maintenance of the equipment and process units included in the project.
- b) An operation and maintenance reference library that includes, but is not limited to, the following:

- 1) Manufacturer's literature, shop drawings and warranties as well as a maintenance schedule for the equipment and process units included in the project;
  - 2) The plans of record with valve indices for the equipment and process units included in the project; and
  - 3) A maintenance schedule for the equipment and process units included in the project.
- c) Training pertaining to the general operation of public water supply facilities or distribution systems, consisting of an operator self-study course such as "Water Treatment Plant Operation," Volumes I and II, or "Small Water System Operation and Maintenance," or "Water Distribution System Operation and Maintenance," California State University, Sacramento.

**Section 662.750 Final Inspection**

The loan recipient shall notify the Agency in writing within 30 days after the completion of project construction and shall submit the final change order, along with the contractor's final costs, to the Agency. The plans of record shall be forwarded to the appropriate Agency regional office. The Agency shall schedule the final inspection within 60 days after the receipt of the notice of completion, provided that all necessary change orders have been submitted and approved.

**SUBPART H: REQUIREMENTS APPLICABLE TO ACCESS, AUDITING AND RECORDS**

**Section 662.810 Access**

- a) The Agency and its designated representatives shall have access, during normal business hours and at any other time during which work is being performed, to the premises where any portion of the work for which the PWSLP loan was provided is being performed. After final loan closing, Agency personnel or any authorized Agency representative shall have access to the project records as defined in Section 662.820 (Audit and Records) of this part and to the project site during normal business hours, to the full extent of the loan recipient's right to access.
- b) Every contract entered into by the loan recipient for construction work, and every subagreement, shall provide Agency representatives with access to the work. The contractor or subcontractor shall provide facilities for access and inspection. The contract or subagreement shall also provide that the Agency or any authorized representative shall have access to any books, documents, papers and records that are



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pertinent to the project for the purpose of making audit, examination, excerpts and transcriptions.

- c) Failure by the loan recipient or any of its contractors or subcontractors to provide access after ten days written notice from the Agency shall be cause for termination of the loan pursuant to Section 662.330 (Termination), and refund to the State of Illinois for deposit into the PWSLP any unexpended loan funds. In addition, any loan recipient, contractor or subcontractor found in noncompliance with this Section shall repay any loan funds previously spent.

**Section 662.820 Audit and Records**

- a) The loan recipient shall maintain books, records, documents, reports, and other evidentiary material and accounting procedures and practices consistent with generally accepted government accounting standards in accordance with the American Institute of Public Accountants Professional Standards.

- b) The following shall constitute "records" for purposes of this Section:

- 1) The receipt and disposition by the loan recipient of all assistance received for the project, including both State assistance and any matching share or cost sharing; and
- 2) The costs charged to the project, including all direct and indirect costs of whatever nature incurred for the performance of the project for which the loan has been provided.

- c) The loan recipient's facilities, or any facilities engaged in the performance of the PWSLP loan project, and the loan recipient's records shall be subject to inspection and audit by the Agency or its authorized representative, at the times specified in Section 662.810 (Access).

- d) The loan recipient shall preserve and make its records available to the Agency or its authorized representative for the following periods:

- 1) For all costs associated with design and construction, for 3 years after final loan closing;
- 2) For all other accounting records concerning the loan, for 3 years from the date of the transaction; and
- 3) For any longer period required by law or by subsections (e) and (f) below.

- e) If the loan is completely or partially terminated, the records relating to the terminated work shall be preserved and made available for 3 years after any resulting final termination settlement.

- f) Records that relate to appeals under the "Disputes" clause, litigation or the settlement of claims arising out of the performance of the PWSLP loan project, or to project costs and expenses to which exception has been taken by the Agency or its authorized representatives, shall be retained until the appeals, litigation, claims, or exceptions have been completed.

- g) Failure of the loan recipient or its contractors or subcontractors to

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make records available to the Agency as required by Section 662.810 (Access) after 10 days written notice shall be cause for termination of the loan pursuant to Section 662.330 (Termination) and for refund to the State of Illinois for deposit into the PWSLP of any unexpended loan funds. In addition, any loan recipient, contractor or subcontractor found in noncompliance with this Section shall repay any loan funds previously spent.

**Section 662.830 Single Audit Act**

The loan recipient shall comply with the provisions of the Single Audit Act of 1996 (31 U.S.C. 7501).

SUBPART I: REQUIREMENTS FOR OPERATION, MAINTENANCE AND REPLACEMENT REVENUE SYSTEM, FINANCIAL CAPABILITY, DEDICATED SOURCE OF REVENUE AND FLOODPLAIN INSURANCE

**Section 662.910 Operation, Maintenance and Replacement Revenue System**

- a) In order for the loan agreement to be issued, the Agency must have approved the loan applicant's proposed source of revenue for operation, maintenance, and replacement (O,M&R) costs. The proposed source of revenue must be enacted and enforceable, if appropriate, before the first loan disbursement can take place.

- b) The Agency shall approve the O,M&R revenue system in accordance with the following criteria:

- 1) For the first year of operation of new facilities, operation, maintenance and replacement costs shall be based upon past experience or some other rational method that can be demonstrated to be applicable.
- 2) The loan recipient shall review annually and revise periodically the proposed revenue source to reflect actual water works operation, maintenance, and replacement costs. The Agency may request a report on the status of the projected costs, actual costs, revenue generated and fund balances at any time.
- 3) The proposed revenue source shall generate sufficient revenue to offset the cost of all water works operation, maintenance and replacement required to be provided by the loan recipient.
- 4) If the project is a regional public water supply facility that distributes water to other public water supplies, appropriate municipal ordinances, intergovernmental agreements or other appropriate authorizations must be submitted.
- c) Upon approval of a loan recipient's proposed O,M&R revenue source, the implementation and maintenance of the source shall become a condition of the loan subject to Section 662.310 (Noncompliance with Loan Procedures).
- d) The loan recipient shall maintain records necessary to document compliance, in accordance with the Local Records Act [50 ILCS 205].

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- e) The Agency or its authorized representative shall have access to all books, documents, papers, and records of the loan recipient for the purpose of making audit, examination, excerpts, and transcriptions in order to ensure compliance with subsection (b) above.

**Section 662.920 Financial Capability**

- a) The loan applicant shall demonstrate to the Agency that it has the necessary legal, financial, managerial and institutional capability to:
- 1) construct, operate and maintain the project for the life of the public water supply facilities;
  - 2) retire the loan, including the execution of any necessary intergovernmental agreements and the enactment of any local legislation necessary to recover adequate capital costs to repay the loan; and
  - 3) meet any covenants and requirements in the loan agreement.
- b) To demonstrate financial, managerial and institutional capability, the applicant shall, at a minimum, show that:
- 1) It is empowered under law to own, operate and maintain a public water supply facility;
  - 2) It has the necessary easements, titles, permits and intergovernmental agreements for loan project implementation, as identified in the project plan; and
  - 3) It has or will have the necessary qualified personnel to operate and maintain the facility.

- c) The financial capability demonstration shall be submitted to the Agency for approval and shall contain detailed project costs, existing and proposed operation, maintenance and replacement costs, existing and proposed local capital costs and historical information over the past five years consisting of audited annual financial statements, bond ratings, number of users and tax rate levies.

- d) The Agency may suggest mitigative measures to improve the loan applicant's financial capability to undertake the project, including but not limited to acquisition of grant funding, reduction of project costs, additional or different sources of dedicated revenues, efforts to reduce the number of delinquent users and changes to existing financial practices that may threaten generation of adequate revenues.

- e) The Agency may require a loan term of less than the 20 year maximum. In evaluating the appropriateness of alternative loan terms, the Agency shall consider such factors as the scope of the proposed project, the impacts of alternative loan terms on user fees, and the overall cost of the project.

**Section 662.930 Dedicated Source of Revenue**

- a) A source of revenue shall be dedicated and pledged to make the loan repayments. Prior to loan approval, the Agency shall review the

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proposed dedicated and pledged revenue source to assure that it will generate revenues adequate to make the loan repayments and will provide a continuing source of revenue adequate to make loan repayments for the term of the loan. If the source of revenue is pledged in a subordinate position to a revenue bond ordinance, the covenants regarding coverage and reserve for the revenue source shall be identical to those in the revenue bond ordinance.

- b) The necessary legislative enactments to dedicate and pledge the source of revenue must be in place before the Agency can make the first loan disbursement.
- c) The loan recipient shall establish an account, maintained by a bank or trust, that is restricted to use for loan repayment, in which to deposit the dedicated revenues prior to the time of first loan disbursement.
- d) The loan recipient shall, for the term of the loan, review and adjust the dedicated source of revenue as necessary to provide adequate funds for the repayment of the loan. The recipient shall timely notify, and submit to the Agency for approval, all proposed changes to the dedicated source of revenue.
- e) The loan recipient shall submit to the Agency, upon request, a statement on the status of the restricted account after initiation of the loan repayment period that contains the status of the dedicated revenue account, including the projected revenues, actual revenues fund balance, debt service obligations and other requirements of the loan agreement. The Agency's approval will be based on, but not limited to, ensuring that the revised dedicated source of revenue is legally authorized, generates sufficient revenue and is otherwise in accordance with this Part 662.
- f) In the event that the actual revenues fall short of the amount required to retire the loan, the Agency will require the loan recipient to re-examine the dedicated revenue source and restructure it as necessary.

**Section 662.940 Floodplain Insurance**

- a) If the loan project includes insurable structures that will be located within a designated floodplain area as defined in the National Flood Insurance Act of 1968 (42 U.S.C. 4001-4127), the loan recipient shall furnish written evidence that it is participating in the National Flood Insurance Program or that the construction areas have received official exclusion from the flood insurance requirements by the Federal Emergency Management Agency.
- b) The loan recipient (or the construction contractor, as appropriate) shall acquire any flood insurance made available to it under the National Flood Insurance Act of 1968, as amended, and maintain the insurance for the entire useful life of the insurable structures.
- c) The amount of insurance required shall be the lesser of the total project cost, excluding facilities that are uninsurable under the

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National Flood Insurance Program, or the maximum limit of coverage made available to the loan recipient under the National Flood Insurance Act of 1968.

- d) The required insurance premium for the period of construction shall be an allowable project cost under Section 662.1010.

## SUBPART J: REQUIREMENTS APPLICABLE TO LOAN DISBURSEMENTS

**Section 662.1010 Determination of Allowable Costs**

The loan recipient shall be paid, upon request, in accordance with Section 662.1030 (Disbursement of Loan Funds), for all costs that are within the scope of the approved project, not to exceed the total amount of the loan, and that are determined to be allowable in accordance with the following criteria:

- a) Allowable Project Costs
 

All reasonable and necessary costs directly attributable to the design and construction of an eligible, loan assisted public water supply project, that are not excluded from loan funding by legislation or non-waivable regulations. Categories of necessary costs include, but are not limited to, the following:

  - 1) The direct purchase of materials, equipment and personal services specifically necessary for the completion of a loan funded project;
  - 2) Professional and consultant services contracts necessary for design, bidding, and construction of a loan funded project, except as elsewhere limited by this Part 662;
  - 3) Costs under approved construction contracts; and
  - 4) Costs for premiums for required flood insurance during the project construction period.

- b) Ineligible Costs
 

Categories of costs that are ineligible for loan assistance, and are not subject to the "reasonable and necessary" test of allowability include, but are not limited to, the following:

- 1) Costs for preparing a project planning document;
- 2) Costs outside the scope of the approved project plan;
- 3) Site acquisition, including easement compensation;
- 4) Construction of any facilities that do not clearly fall within the definition of a public water supply facility as contained in the Federal Safe Drinking Water Act;
- 5) Projects whose main purpose is fire protection or servicing future growth.

- c) Disputes Concerning Allowable Costs
 

The loan recipient shall seek to resolve any questions relating to cost allowability or allocation at the earliest opportunity. Final determinations by the Director concerning the allowability of costs shall be conclusive.

**Section 662.1020 Use of Loan Funds and Payment of Unallowable Costs**

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- a) Loan funds shall be expended solely for approved allowable costs incurred in the design and construction of the project.
- b) The loan recipient shall agree to pay the unallowable costs associated with the project, as well as all allowable costs that exceed the amount of the loan, and shall construct the project or cause it to be constructed to final completion in accordance with the plans and specifications and on the schedule approved by the Agency.
- c) The loan recipient shall commit itself to complete the construction of the operable public water supply facilities.

**Section 662.1030 Disbursement of Loan Funds**

- a) Disbursements are subject to the appropriation of funds by the General Assembly and the availability of cash deposited into the PWSLP from drawdowns from the USEPA Automated Clearing House, State matching funds, repayments of existing loans, interest earnings on money in the PWSLP, and money deposited into the PWSLP from other sources.

- b) Disbursements shall be made as follows:

- 1) After the receipt of a fully executed loan agreement, disbursement requests must be sent directly to the Agency. Actual disbursements shall be processed in accordance with the loan agreement.
- 2) Disbursements will be processed based on costs incurred that are due and payable as evidenced by invoices. The Agency may withhold any disbursement for a violation of the loan agreement conditions.

- c) The loan recipient shall make prompt payment to the contractor.

- d) The State share of any refunds, rebates, credits or other amounts (including any interest) accruing to or received by the loan recipient with respect to the project that are properly allocable to costs for which loan funds have been disbursed must be paid, minus any reasonable expenses incurred in securing these funds, to the State of Illinois for deposit in the PWSLP.

- e) Before the final principal amount of the loan can be established:

- 1) The Agency must conduct a final inspection and a project review to insure that all applicable loan conditions have been satisfied; and
- 2) The loan recipient must submit to the Agency a final waiver from the contractor and a Certification of Payment that all bills have been paid.

- f) The loan recipient shall also submit a release, discharging the State of Illinois, its officers, agents and employees from all liabilities, obligations and claims arising out of the project work or under the loan, subject only to such exceptions which may be specified in the release.

- g) Any use of loan funds at variance with this Part 662 shall result in repayment of those loan funds to the State of Illinois for deposit into the PWSLP.



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## SUBPART K: PROCEDURES FOR LOAN REPAYMENT AND DELINQUENT REPAYMENT

## Section 662.1110 Loan Repayment to the Agency

Loan repayment to the Agency shall be in accordance with the loan repayment schedule contained in the loan agreement.

- a) Loan repayments shall commence not later than 6 months after the initiation of the loan repayment period and shall be due semi-annually unless the Agency determines that the dedicated source of revenue justifies an alternative repayment plan.
- b) After the initiation of the loan repayment period date in the loan agreement, the Agency shall set a principal amount and give the loan recipient an interim repayment schedule.
- c) After a final cost review of the project, the Agency shall establish the final principal amount and give the loan recipient a final repayment schedule.

## Section 662.1120 Delinquent Loan Repayments

- a) If a repayment is not made according to the repayment schedule, the loan recipient shall notify the Agency in writing within 15 days after the repayment due date. The notification shall state the reasons the repayment was not timely tendered and the circumstances under which the late repayment will be satisfied, and shall contain binding commitments to assure future repayments. After receipt of this notification, the Agency shall accept the plan or take action in accordance with subsection (b) below.
- b) If a loan recipient fails to comply with subsection (a) above, the Agency shall promptly issue a notice of delinquency to the loan recipient and require a written response within 30 days. The notice of delinquency shall require the loan recipient to revise its rates, fees and charges to meet its obligations or to take other specified actions as may be appropriate to remedy the delinquency and to assure future repayments.
- c) In the event that the loan recipient fails to timely or adequately respond to a notice of delinquency, or fails to meet any obligations pursuant to subsections (a) and (b) above, the Agency shall pursue the collection of the amounts past due, the outstanding loan balance and the costs incurred thereby, either pursuant to the Illinois State Collection Act of 1986 [30 ILCS 210] or by any other lawful means.

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## Section 662.APPENDIX A Executive Orders

## Section 662.EXHIBIT A Executive Order 11625

October 14, 1971, 36 F.R. 19967

PREScribing ADDITIONAL ARRANGEMENTS FOR DEVELOPING  
AND COORDINATING A NATIONAL PROGRAM FOR  
MINORITY BUSINESS ENTERPRISE

The opportunity for full participation in our free enterprise system by socially and economically disadvantaged persons is essential if we are to obtain social and economic justice for such persons and improve the functioning of our national economy.

The Office of Minority Business Enterprise, established in 1969, greatly facilitated the strengthening and expansion of our minority enterprise program. In order to take full advantage of resources and opportunities in the minority enterprise field, we now must build on this foundation. One important way of improving our efforts is by clarifying the authority of the Secretary of Commerce (a) to implement Federal policy in support of the minority business enterprise program; (b) to provide additional technical and management assistance to disadvantaged businesses; (c) to assist in demonstration projects; and (d) to coordinate the participation of all Federal departments and agencies in an increased minority enterprise effort.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

## Section 1. Functions of the Secretary of Commerce.

- a) The Secretary of Commerce (hereinafter referred to as "the Secretary") shall -
  - 1) Coordinate as consistent with law the plans, programs, and operations of the Federal Government which affect or may contribute to the establishment, preservation, and strengthening of minority business enterprise.
  - 2) Promote the mobilization of activities and resources of State and local governments, businesses and trade associations, universities, foundations, professional organizations, and volunteer and other groups towards the growth of minority business enterprises, and facilitate the coordination of the efforts of these groups with those of Federal departments and agencies.
  - 3) Establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the nation in undertaking or promoting the establishment and successful

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operation of minority business enterprise.

- 4) Within constraints of law and appropriations therefor, and according to his discretion, provide financial assistance to public and private organizations so that they may render technical and management assistance to minority business enterprises, and defray all or part of the costs of pilot or demonstration projects conducted by public or private agencies or organizations which are designed to overcome the special problems of minority business enterprises or otherwise to further the purposes of this Order.

- b) The Secretary, as he deems necessary or appropriate to enable him to better fulfill the responsibilities vested in him by subsection (a), may -

- 1) With the participation of other Federal departments and agencies as appropriate, develop comprehensive plans and specific program goals for the minority enterprise program; establish regular performance monitoring and reporting systems to assure that goals are being achieved; and evaluate the impact of Federal support in achieving the objectives established by this Order.

- 2) Require a coordinated review of all proposed Federal training and technical assistance activities in direct support of the minority enterprise program to assure consistency with program goals and to avoid duplication.

- 3) Convene, for purposes of coordination, meetings of the heads of such departments and agencies, or their designees, whose programs and activities may affect or contribute to the purposes of this Order.

- 4) Convene business leaders, educators, and other representatives of the private sector who are engaged in assisting the development of minority business enterprise or who could contribute to its development, for the purpose of proposing, evaluating and coordinating governmental and private activities in furtherance of the objectives of this Order.

- 5) Confer with and advise officials of State and local governments.

- 6) Provide the managerial and organizational framework through which joint or collaborative undertakings with Federal departments or agencies or private organizations can be planned and implemented.

- 7) Recommend appropriate legislative or executive action.

## Section 2. Advisory Council for Minority Enterprise.

- a) The Advisory Council for Minority Enterprise (hereinafter referred to as "the Council"), established by Executive Order no. 11458 of March 5, 1969, (11) shall continue in existence under the terms of this Order.

- b) The Council shall be composed of members appointed by the President from among persons, including members of minority groups and representatives from minority business enterprises, who are

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knowledgeable in this field and who are dedicated to the purpose of this Order. These members shall serve for a term of two years and may be reappointed.

- c) The President shall designate one of the members of the Council as the Chairman of the Council.

- d) The Council shall meet at the call of the Secretary.

- e) The Council shall be advisory to the Secretary in which capacity it shall -

- 1) Serve as a source of knowledge and information on developments in different fields and segments of our economic and social life which affect minority business enterprise.

- 2) Keep abreast of plans, programs, and activities in the public and private sectors which relate to minority business enterprise, and advise the Secretary on any measures to better achieve the objectives of this Order.

- 3) Consider, and advise the Secretary, and such officials as he may designate, on problems and matters referred to the Council.

- f) For the purposes of Executive Order No. 11007 of February 26, 1962, (12) the Council shall be deemed to have been formed by the Secretary.

- g) Members of the Council shall be entitled to receive travel and expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5701-5708) for persons in the Government service employed intermittently.

- h) The Secretary shall arrange for administrative support of the Council to the extent necessary, including use of any gifts or bequests accepted by the Department of Commerce pursuant to law.

## Section 3. Responsibilities of Other Federal Departments and Agencies.

- a) The head of each Federal department and agency, or a representative designated by him, when and in the manner so requested by the Secretary, shall furnish information, assistance, and reports to, and shall otherwise cooperate with, the Secretary in the performance of his functions hereunder.

- b) The head of each Federal department or agency shall, when so requested by the Secretary, designate his Under Secretary or such other similar official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning minority business enterprise.

- c) The officials designated under the preceding paragraph, when so requested, shall review and report to the Secretary upon the policies and programs of the minority business enterprise program, and shall keep the Secretary informed of all proposed budgets, plans and programs of his department or agency affecting minority business enterprise.

- d) The head of each Federal department or agency, or a representative designated by him, shall, to the extent provided under regulations issued by the Secretary after consultation with the official

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designated in paragraph (b) above, report to the Secretary on any activity that falls within the scope of the minority business enterprise program as defined herein and in those regulations.

- e) Each Federal department or agency shall, within constraints of law and appropriations therefor, continue all current efforts to foster and promote minority business enterprises and to support the program herein set forth, and shall cooperate with the Secretary of Commerce in increasing the total Federal effort.

## Section 4. Reports.

The Secretary shall, no later than 120 days after the close of each fiscal year, submit to the President a full report of his activities hereunder during the previous fiscal year. Further, the Secretary shall, from time to time, submit to the President his recommendations for legislation or other action as he deems desirable to promote the purposes of this Order. Each Federal department or agency shall report to the Secretary as hereinabove provided on a timely basis so that the Secretary may consider such reports for his report and recommendations to the President. Each Federal department or agency shall develop and implement systematic data collection processes which will provide to the Office of Minority Business Enterprise Information Center current data helpful in evaluating and promoting the efforts herein described.

## Section 5. Policies and Standards.

The Secretary may establish such policies, standards, definitions, criteria, and procedures to govern the implementation, interpretation, and application of this Order, and generally perform such functions and take such steps as he may deem to be necessary or appropriate to achieve the purposes and carry out the provisions hereof.

## Section 6. Definitions.

For purposes of this Order, the following definitions shall apply:

- a) "Minority business enterprise" means a business enterprise that is owned or controlled by one or more socially or economically disadvantaged persons. Such disadvantage may arise from cultural, racial, chronic economic circumstances or background or other similar cause. Such persons include, but are not limited to, Negroes, Puerto Ricans, Spanish-speaking Americans, American Indians, Eskimos, and Aleuts.
- b) "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

## Section 7. Construction.

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Nothing in this Order shall be construed as subjecting any function vested in, or assigned pursuant to law to, any Federal department or agency or head thereof to the authority of any other agency or office exclusively, or as abrogating or restricting any such function in any manner.

## Section 8. Prior Executive Order

Executive Order No. 11458 of March 5, 1969, (13) is hereby superseded.

THE WHITE HOUSE

October 13, 1971.

RICHARD NIXON

- (11) 15 U.S.C.A. Section 631 note.
- (12) 5 U.S.C.A. Section 901 note.
- (13) 15 U.S.C.A. Section 631 note.



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**Section 552.EXHIBIT B Executive Order 12138**

May 18, 1979, 44 F.R. 29637

**CREATING A NATIONAL WOMEN'S BUSINESS ENTERPRISE POLICY  
AND PRESCRIBING ARRANGEMENTS FOR DEVELOPING, COORDINATING  
AND IMPLEMENTING A NATIONAL PROGRAM FOR WOMEN'S BUSINESS  
ENTERPRISE**

In response to the findings of the Interagency Task Force on Women Business Owners and congressional findings that recognize:

- 1) the significant role which small business and women entrepreneurs can play in promoting full employment and balanced growth in our economy;
- 2) the many obstacles facing women entrepreneurs; and
- 3) the need to aid and stimulate women's business enterprise;

By the authority vested in me as President of the United States of America, in order to create a National Women's Business Enterprise Policy and to prescribe arrangements for developing, coordinating and implementing a national program for women's business enterprise, it is ordered as follows:

**1-1. Responsibilities of the Federal Departments and Agencies.**

1-101. Within the constraints of statutory authority and as otherwise permitted by law:

- a) Each department and agency of the Executive Branch shall take appropriate action to facilitate, preserve and strengthen women's business enterprise and to ensure full participation by women in the free enterprise system.
- b) Each department and agency shall take affirmative action in support of women's business enterprise in appropriate programs and activities including but not limited to:
  - 1) management, technical, financial and procurement assistance,
  - 2) business-related education, training, counseling and information dissemination, and
  - 3) procurement.
- c) Each department or agency empowered to extend Federal financial assistance to any program or activity shall issue regulations requiring the recipient of such assistance to take appropriate affirmative action in support of women's business enterprise and to prohibit actions or policies which discriminate against women's business enterprise on the ground of sex. For purposes of this subsection, Federal financial assistance means assistance extended by way of grant, cooperative agreement, loan or contract other than a contract of insurance or guaranty. These regulations shall prescribe

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sanctions for noncompliance. Unless otherwise specified by law, no agency sanctions shall be applied until the agency or department concerned has advised the appropriate person or persons of the failure to comply with its regulations and has determined that compliance cannot be secured by voluntary means.

- 1-102. For purposes of the Order, affirmative action may include, but is not limited to, creating or supporting new programs responsive to the special need for women's business enterprise, establishing incentives to promote business or business-related opportunities for women's business enterprise, collecting and disseminating information in support of women's business enterprise, and insuring to women's business enterprise knowledge of and ready access to business-related services and resources. If, in implementing this Order, an agency undertakes to use or to require compliance with numerical set-asides, or similar measures, it shall state the purpose of such measure, and the measure shall be designed on the basis of pertinent factual findings of discrimination against women's business enterprise and the need for such measure.

- 1-103. In carrying out their responsibilities under Section 1-1, the departments and agencies shall consult the Department of Justice, and the Department of Justice shall provide legal guidance concerning these responsibilities.

**1-2. Establishment of the Interagency Committee on Women's Business Enterprise.**

- 1-201. To help insure that the actions ordered above are carried out in an effective manner, I hereby establish the Interagency Committee on Women's Business Enterprise (hereinafter called the Committee).

- 1-202. The Chairperson of the Committee (hereinafter called the Chairperson) shall be appointed by the President. The Chairperson shall be the presiding officer of the Committee and shall have such duties as prescribed in this Order or by the Committee in its rules of procedure. The Chairperson may also represent his or her department, agency or office on the Committee.

- 1-203. The Committee shall be composed of the Chairperson and other members appointed by the heads of departments and agencies from among high level policy-making officials. In making these appointments, the recommendations of the Chairperson shall be taken into consideration. The following departments and agencies and such other departments and agencies as the Chairperson shall select shall be members of the Committee: the Departments of Agriculture; Commerce; Defense; Energy; Health, Education, and Welfare; Housing and Urban Development;

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Interior; Justice; Labor; Transportation; Treasury; the Federal Trade Commission; General Services Administration; National Science Foundation; Office of Federal Procurement Policy; and the Small Business Administration. These members shall have a vote. Nonvoting members shall include the Executive Director of the Committee and at least one but no more than three representatives from the Executive Office of the President appointed by the President.

1-204. The Committee shall meet at least quarterly at the call of the Chairperson, and at such other times as may be determined to be useful according to the rules of procedure adopted by the Committee.

1-205. The Administrator of the Small Business Administration shall provide an Executive Director and adequate staff and administrative support for the Committee. The staff shall be located in the Office of the Chief Counsel for Advocacy of the Small Business Administration, or in such other office as may be established specifically to further the policies expressed herein. Nothing in this Section prohibits the use of other properly available funds and resources in support of the Committee.

## 1-3. Functions of the Committee.

The Committee shall in a manner consistent with law:

1-301. Promote, coordinate and monitor the plans, programs and operations of the departments and agencies of the Executive Branch which may contribute to the establishment, preservation and strengthening of women's business enterprise. It may, as appropriate, develop comprehensive interagency plans and specific program goals for women's business enterprise with the cooperation of the departments and agencies.

1-302. Establish such policies, definitions, procedures and guidelines to govern the implementation, interpretation and application of this order, and generally perform such functions and take such steps as the Committee may deem to be necessary or appropriate to achieve the purposes and carry out the provisions hereof.

1-303. Promote the mobilization of activities and resources of State and local governments, business and trade associations, private industry, colleges and universities, foundations, professional organizations, and volunteer and other groups toward the growth of women's business enterprise, and facilitate the coordination of the efforts of these groups with those of the departments and agencies.

1-304. Make an annual assessment of the progress made in the

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Federal Government toward assisting women's business enterprise to enter the mainstream of business ownership and to provide recommendations for future actions to the President.

1-305. Convene and consult as necessary with persons inside and outside government to develop and promote new ideas concerning the development of women's business enterprise.

1-306. Consider the findings and recommendations of government and private sector investigations and studies of the problems of women entrepreneurs, and promote further research into such problems.

1-307. Design a comprehensive and innovative plan for a joint Federal and private sector effort to develop increased numbers of new women-owned businesses and larger and more successful women-owned businesses. The plan should set specific reasonable targets which can be achieved at reasonable and identifiable costs and should provide for the measurement of progress towards these targets at the end of two and five years. Related outcomes such as income and tax revenues generated, jobs created, new products and services introduced or new domestic or foreign markets created should also be projected and measured in relation to costs wherever possible. The Committee should submit the plan to the President for approval within six months of the effective date of this Order.

## 1-4. Other Responsibilities of the Federal Departments and Agencies.

1-401. The head of each department and agency shall designate a high level official to have the responsibility for the participation and cooperation of that department or agency in carrying out this Executive Order. This person may be the same person who is the department or agency's representative to the Committee.

1-402. To the extent permitted by law, each department and agency upon request by the Chairperson shall furnish information, assistance and reports and otherwise cooperate with the Chairperson and the Committee in the performance of their functions hereunder. Each department or agency shall ensure that systematic data collection processes are capable of providing the Committee current data helpful in evaluating and promoting the efforts herein described.

1-403. The officials designated under Section 1-401, when so requested, shall review the policies and programs of the women's business enterprise program, and shall keep the Chairperson informed of proposed budget, plans and programs of their departments or agencies affecting women's business enterprise.

## ENVIRONMENTAL PROTECTION AGENCY

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1-404. Each Federal department or agency, within constraints of law, shall continue current efforts to foster and promote women's business enterprise and to support the program herein set forth, and shall cooperate with the Chairperson and the Committee in increasing the total Federal effort.

## 1-5. Reports.

1-501. The Chairperson shall, promptly after the close of the fiscal year, submit to the President a full report of the activities of the Committee hereunder during the previous fiscal year. Further, the Chairperson shall, from time to time, submit to the President the Committee's recommendations for legislation or other action to promote the purposes of this Order.

1-502. Each Federal department and agency shall report to the chairperson as hereinabove provided on a timely basis so that the Chairperson and the Committee can consider such reports for the Committee report to the President.

## 1-6. Definitions.

For the purposes of this Order, the following definitions shall apply:

1-601. "Women-owned business" means a business that is at least 51 percent owned by a woman or women who also control and operate it. "Control" in this context means exercising the power to make policy decisions. "Operate" in this context means being actively involved in the day-to-day management.

1-602. "Women's business enterprise" means a woman-owned business or businesses or the efforts of a woman or women to establish, maintain or develop such a business or businesses.

1-603. Nothing in subsections 1-601 or 1-602 of this Section 1-6 should be construed to prohibit the use of other definitions of a woman-owned business or women's business enterprise by departments and agencies of the Executive Branch where other definitions are deemed reasonable and useful for any purpose not inconsistent with the purposes of this Order. Wherever feasible, departments and agencies should use the definition of a woman-owned business in subsection 1-601 above for monitoring performance with respect to women's business enterprise in order to assure comparability of data throughout the Federal Government.

## 1-7. Construction.

Nothing in this Order shall be construed as limiting the meaning or effect of any existing Executive Order.

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## NOTICE OF ADOPTED RULES

THE WHITE HOUSE

May 18, 1979.

JIMMY CARTER



## ENVIRONMENTAL PROTECTION AGENCY

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## Section 662.EXHIBIT C Executive Order 12549

February 18, 1986, 51 F.R. 6370

## DEBARMENT AND SUSPENSION

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to curb fraud, waste, and abuse in Federal programs, increase agency accountability, and ensure consistency among agency regulations concerning debarment and suspension of participants in Federal programs, it is hereby ordered that:

## Section 1.

- a) To the extent permitted by law and subject to the limitations in Section 1(c), Executive departments and agencies shall participate in a system for debarment and suspension from programs and activities involving Federal financial and nonfinancial assistance and benefits. Debarment or suspension of a participant in a program by one agency shall have government-wide effect.
- b) Activities covered by this Order include but are not limited to: grants, cooperative agreements, contracts of assistance, loans, and loan guarantees.
- c) This Order does not cover procurement programs and activities, direct Federal statutory entitlements or mandatory awards, direct awards to foreign governments or public international organizations, benefits to an individual as a personal entitlement, or Federal employment.

Section 2. To the extent permitted by law, Executive departments and agencies shall:

- a) Follow government-wide criteria and government-wide minimum due process procedures when they act to debar or suspend participants in affected programs.
- b) Send to the agency designated pursuant to Section 5 identifying information concerning debarred and suspended participants in affected programs, participants who have agreed to exclusion from participation, and participants declared ineligible under applicable law, including Executive Orders. This information shall be included in the list to be maintained pursuant to Section 5.
- c) Not allow a party to participate in any affected program if any Executive department or agency has debarred, suspended or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in an affected program. An agency may grant an exception permitting a debarred, suspended, or excluded party to participate in a particular transaction upon a written determination by the agency head or authorized designee stating the reason(s) for deviating from this Presidential policy. However, I intend that

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exceptions to this policy should be granted only infrequently.

Section 3. Executive departments and agencies shall issue regulations governing their implementation of this Order that shall be consistent with the guidelines issued under Section 6. Proposed regulations shall be submitted to the Office of Management and Budget for review within four months of the date of the guidelines issued under Section 6. The Director of the Office of Management and Budget may return for reconsideration proposed regulations that the Director believes are inconsistent with the guidelines. Final regulations shall be published within twelve months of the date of the guidelines.

Section 4. There is hereby constituted the Interagency Committee on Debarment and Suspension, which shall monitor implementation of this Order. The Committee shall consist of representatives of agencies designated by the Director of the Office of Management and Budget.

Section 5. The Director of the Office of Management and Budget shall designate a Federal agency to perform the following functions: maintain a current list of all individuals and organizations excluded from program participation under this Order, periodically distribute the list to Federal agencies, and study the feasibility of automating the list; coordinate with the lead agency responsible for government-wide debarment and suspension of contractors; chair the Interagency Committee established by Section 4; and report periodically to the Director on implementation of this Order, with the first report due within two years of the date of the Order.

Section 6. The Director of the Office of Management and Budget is authorized to issue guidelines to Executive departments and agencies that govern which programs and activities are covered by this Order, prescribe government-wide criteria and government-wide minimum due process procedures, and set forth other related details for the effective administration of the guidelines.

Section 7. The Director of the Office of Management and Budget shall report to the President within three years of the date of this Order on Federal agency compliance with the Order, including the number of exceptions made under Section 2(c), and shall make such recommendations as are appropriate further to curb fraud, waste, and abuse.

THE WHITE HOUSE

RONALD REAGAN

February 18, 1986.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Storage, Transportation, Sale and Use of Gasoline and Volatile Oils
- 2) Code Citation: 41 Ill. Adm. Code 180
- 3) Section Numbers: 180.20 Amend Adopted Action:
- 4) Statutory Authority: Section 2 of the Gasoline Storage Act [430 ILCS 15/2]
- 5) Effective Date of Rulemaking: February 15, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 15, 1998
- 9) Notice of Proposal Published in Illinois Register: October 17, 1997 (42 Ill. Reg. 13714)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:

In Section 180.20(c)(2), added the words "or fire exposure" after "operation" to clarify that properly size vent piping must be provided not only for normal operations but also for fire exposure to an aboveground storage tank.

In Section 180.20(c)(6), after the word "total", the Office added the words "amount of any single type of fuel does not exceed 5,000 gallons", and deleted the words "aggregate aboveground dispensing tank storage capacity at the facility does not exceed 5,000 gallons". This change modifies the aggregate on-site rule storage capacity at farm from the currently allowed 5,000 gallons to 10,000 gallons as long as no single type of product being stored exceeds 5,000 gallons in capacity.

In Section 180.20(c)(8), added the words "installed or replaced after January 1, 1998" after the word "tanks" to clarify that the rules pertaining to a storage tank's location are applicable to newly installed or replaced tanks, and do not require the relocation of currently existing farm site storage tanks.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No  
No changes recommended or agreed to.

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- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking:

By this Notice of Proposed Amendment, the Office is updating Part 180 to increase the maximum allowable number of aboveground storage tanks intended to be used for dispensing fuel into private vehicles at agricultural and farm sites only. Also, the amendments propose to allow gravity methods of dispensing fuel at such agricultural and farm facilities, as well as at construction sites.

The amendment is being proposed as the result of comments/petitions to the agency to allow an increase in the maximum number of aboveground fuel dispensing storage tanks at agricultural and farm sites. Arguments have been presented that, in order for farmers to store two grades of diesel fuel (taxable, low-sulfur diesel to be used in off-road machinery) as well as two grades of gasoline (a premium gasoline and an ethanol blend to meet the octane requirements of both new and older gasoline-powered tractors or vehicles), the total number of allowed aboveground fuel dispensing tanks needs to be increased from the currently allowed to tanks, to four tanks.

The Part 180 rules currently allow for the aboveground storage of fuels intended for dispensing fuel into motor vehicles at agricultural, commercial, industrial, governmental, and manufacturing facilities, as well as at construction sites. Also, airports are allowed such aboveground fuel storage for purposes of fueling aircraft only. The currently proposed amendment, that would allow for four storage tanks at a facility, does not apply to commercial, industrial, governmental or manufacturing facilities. Likewise, the increase in the number of tanks per facility would not be applicable to construction sites or airport facilities. The change allowing an increase in the number of tanks per facility would be applicable to agricultural and farm facilities only. Such facilities, are currently specified in Section 180 and include farms, tree nurseries, fish farms, tree farms, sod farms and orchards.

The amendment does not propose to change the maximum allowable capacity per tank from the current 2,500 gallons, but does propose to modify the total allowable aggregate storage at a farm from current 5,000 gallon maximum limit to 10,000 gallons as long as no single product constitutes more than 5,000 gallons of the storage.

Since the Office of the State Fire Marshal first allowed fuel to be dispensed from aboveground storage tanks in 1989, the agency has received no reports of related fires at farm facilities. In fact, due to their usual isolated and remote location, as well as individual or family ownership as opposed to corporate operation, the Office of the State Fire

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gravity methods.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Mr. Jack Ahern  
Address: Deputy State Fire Marshal  
Division of Fire Prevention  
Office of the State Fire Marshal  
100 W. Randolph Street, Suite 11-800  
Telephone: (312)814-2693

The full text of the Adopted Amendment begins on the next page:

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Marshal does not currently require the installation of such farm facility aboveground fuel dispensing tanks to be subjected to the application, plan review or on-site inspection procedures applicable to aboveground tanks at other types of facilities. It is the intention of the agency to continue this practice of not requiring application, plan review, or on-site inspections for farm/agricultural tank installations.

Secondly, the amendment proposes that gravity methods of dispensing fuel from aboveground storage tanks be allowed at farm and agricultural facilities, as well as at construction sites. Currently, the rules require that aboveground fuel dispensing storage tanks be equipped with top-mounted, electrically powered, U.L. listed, dispensing pumps. The regulated community has complained that the requirement is impractical, primarily because of the need to supply electricity to these tanks which are often remotely located at farm facilities, or temporarily installed at construction sites. (The current rules require that electrical wiring be contained in rigid metal conduit). The agency believes that fire safety will be maintained despite the proposed gravity method of dispensing as the result of requirements that the tank be equipped with a heat actuated and manually operated shut-off valve, as well as a lockable, spring-load dispensing nozzle.

The agency, is also proposing to modify the language of 180.20(c)(2) to clarify that aboveground storage tank vent capacity be sized not only to relieve the pressure or vacuum developed during normal operations as is currently required, but also to guard against excessive pressure during fire exposure. (This modification was added at Second Notice).

Lastly the Office is taking this opportunity to codify mandatory separation distances for aboveground flammable and combustible liquid storage tanks at farm facilities. The current rules require simply that such tanks be located "outside buildings". The agency is proposing with these amendments, that aboveground fuel tanks at farm sites be required to comply with distance separations required at all other aboveground fuel dispensing storage tank installations. Specifically, the agency is proposing that the tanks be installed a minimum of 30' from buildings, property lines, LP-Gas storage tanks, and other bulk flammable or combustible liquid storage tanks. Language added at Second Notice clarifies that these rules addressing the tank's location are applicable to tanks installed or replaced after the adoption of the rules and would not require the relocation of any currently existing aboveground storage tanks.

Local authorities have been, and will continue to be, allowed to enforce locally adopted aboveground flammable liquid storage rules concurrently with the agency's rules. Some counties and/or local jurisdictions may prohibit such aboveground fuel tank installations altogether, or limit aboveground storage tank size and numbers to lesser quantities within their jurisdictions. Furthermore, some local authorities may not allow fuels to be dispensed by



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TITLE 41: FIRE PROTECTION  
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 180  
STORAGE, TRANSPORTATION, SALE AND USE OF  
GASOLINE AND VOLATILE OILS

## Section

- 180.10 Definitions
- 180.15 Incorporation of National Standards
- 180.20 Aboveground Storage - Dispensing
- 180.21 Dispensing Tank Connected by Associated Piping to a Bulk Tank
- 180.22 Retail Dispensing from Aboveground Tanks at Airports
- 180.23 Fueling of Aircraft from Tank Trucks
- 180.25 Home Rule Modification of Aboveground Storage -- Dispensing (Emergency Expired)
- 180.30 Gasoline Containers Must Be Red
- 180.40 Industrial and Commercial Use
- 180.50 Use Within Buildings Restricted
- 180.60 No Pouring Into Sewers
- 180.70 Storage in Public Buildings Restricted
- 180.80 Use in Starting Fires
- 180.90 Keep Fire Away
- 180.100 Heating and Lighting Appliances
- 180.150 Dry Cleaning Plants
- 180.200 Oil Burning Equipment

AUTHORITY: Implementing and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Gasoline and Volatile Oils - General Rules, filed July 10, 1958; amended July 23, 1965 and April 14, 1977; codified at 5 Ill. Reg. 10695; emergency amendment at 8 Ill. Reg. 24744, effective December 7, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 12719, effective August 12, 1985; emergency amendments at 13 Ill. Reg. 1875, effective January 27, 1989, for a maximum of 150 days; emergency amendments at 13 Ill. Reg. 1875, effective January 27, 1989, for a maximum of 150 days; emergency expired June 26, 1989; amended at 13 Ill. Reg. 14978, effective September 7, 1989; amended at 20 Ill. Reg. 4711, effective March 11, 1996; amended at 22 Ill. Reg. **3836**, effective **FEB 15 1998**.

## Section 180.20 Aboveground Storage - Dispensing

- a) Storage of Class I, II or III liquids (except kerosene) shall be in accordance with 41 Ill. Adm. Code 160 and 41 Ill. Adm. Code 170 except aboveground storage for dispensing may occur at the following facilities under the following circumstances:

- 1) Agricultural storage, which is limited to farms, tree nurseries,

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fish farms, tree farms, sod farms or orchards;

- 2) Storage at commercial, industrial, governmental or manufacturing establishments for fueling vehicles used in connection with their business;
- 3) Storage at construction sites for refueling construction equipment; or
- 4) Storage at airports as addressed in Section 180.22 of this Part.
- b) Dispensing at the facilities specified in subsection (a)(2) or--(3) shall only be in accordance with the following:
- 1) An inspection of the premises and operations has been made and approval granted by the Office of the State Fire Marshal (approval shall be granted if curb pumps are not present and if pumps are not located in any portion of a public roadway);
- 2) The dispensing is done on premises not open to the public;
- 3) The tanks are safeguarded against collision, spillage or overflow to the satisfaction of the authorities having jurisdiction;
- 4) Each tank system is listed or approved for such aboveground use by the Office of the State Fire Marshal; in granting such approval, the Office shall consider the following elements:
- A) leaks;
- B) compatibility of the tank and line with the product contained in the tank;
- C) whether any equipment has been recalled by the manufacturer;
- D) whether wiring at the dispensing location is in a rigid metal conduit within a radius of 30 feet and is otherwise in compliance with the National Electric Code (NFPA 70) 1987 (no subsequent dates or editions); and
- E) whether the dispensing location has seal-offs at all connections;
- 5) A top-fill opening shall be provided and shall be equipped with a closure designed so that it may be locked;
- 6) A vent shall be provided to relieve such vacuum or pressure as will develop in normal operation. The vent shall have a minimum unobstructed opening of one and one-half inches in diameter and the vent shall be elevated to a height of at least four feet (unless directed in writing by the Office of the State Fire Marshal to a greater height, based on construction characteristics of the tank and fire safety considerations) or unless approval in writing for a lower height is granted by the Office of the State Fire Marshal, based upon construction characteristics of the tank in question or unique physical conditions that prevent a vent of that height from being installed;
- 7) Tanks shall be equipped with a permanently connected pumping device listed by Underwriters Laboratories (UL) (as printed on page 4 of the Fire Protection Equipment Directory published by Underwriters Laboratories, January 1988 (no subsequent dates or

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editions)) or FM Engineering (as printed on page ii of the Factory Mutual System Approval Guide 1989 published by Factory Mutual Research Corporation, 1989 (no subsequent dates or editions)). The pump shall be equipped with a padlock to prevent tampering. An antisiphoning device shall be included in the pump discharge and siphons or internal pressure discharge devices are prohibited. Gravity method of discharge is prohibited;

8) Tanks for the storage of flammable or combustible liquids shall be marked with the name of the product they contain and "FLAMMABLE - KEEP FIRE AND FLAME AWAY", both in letters at least four inches high and in contrasting color from the tank on which they are marked;

9) Except as provided in Section 180.22 of this Part, a maximum of two aboveground tanks per facility of up to 2,500 gallons each shall be allowed for storage of flammable or combustible liquids, provided such liquid is stored outside buildings in a tank(s) constructed throughout of steel and made vapor tight (as determined by such tests as a pressure test and volumetric test). Tanks shall be designed and constructed according to standards specified in 41 Ill. Adm. Code 160.15, 160.70-160, 160.80-240; and

10) Tanks shall be kept outside and at least 30 feet from any building or combustible or flammable stored liquid or liquid petroleum and shall be so located, or such additional distance to buildings shall be provided, to insure that no vehicle, equipment or vessel being filled directly from any such tank shall be closer than 30 feet to any building, combustible or flammable stored liquid, liquid petroleum (LP) gas tank or property lines, except that a tank protected within a two-hour fire resistant enclosure (the time, in minutes or hours, that materials or assemblies have withstood a fire exposure as established in accordance with the test procedures of NFPA 251, Standard Methods of Fire Tests of Building Construction and Materials, 1985 (no subsequent dates or editions)) may be located adjacent to a structure after a request in writing to construct such an enclosure has been submitted to the Office of the State Fire Marshal and the Office has issued an approval in writing.

c) Dispensing at facilities specified in subsections ~~subsection~~ (a)(1) and (a)(3) of this Section shall only be in accordance with the following:

- 1) A top-fill opening shall be provided and shall be equipped with a closure designed so that it may be locked;
- 2) A vent shall be provided to relieve such vacuum or pressure as will develop in normal operation or fire exposure; such vent shall have a minimum unobstructed opening of one and one-half inches in diameter;
- 3) Tanks ~~shall~~ be equipped with a permanently connected pumping device ~~the pump~~ shall be equipped with a padlock to prevent

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tampering; an effective antisiphoning device shall be included in the pump discharge; and siphons or internal pressure discharge devices are prohibited;

4) Tanks elevated for gravity discharge may be designed with an opening in the bottom or end of the tank for gravity dispensing of flammable or combustible liquids, and shall be mounted and equipped as follows:

A) Supports to elevate the tank shall be of steel and designed to provide stability;

B) Openings for gravity discharge shall be equipped with an internal safety valve, which will close automatically in the event of fire through the operation of a heat actuated releasing device. The valve shall also be capable of being manually operated. If this valve cannot be operated manually, it shall be supplemented by a second manually operated valve. The gravity discharge outlet shall be provided with an approved hose equipped with a self-closing nozzle at the discharge end and be of a type that can be padlocked to its hanger to prevent tampering;

C) When not being used to dispense fuel, nozzles shall be hung off of the ground on a hanger and shall be padlocked in place to avoid tampering;

5) Tanks for the storage of flammable or combustible liquids shall be marked with the name of the product they contain and "FLAMMABLE -- KEEP FIRE AND FLAME AWAY", both in letters at least four inches high and in contrasting color from the tank on which they are marked; and

6) Facilities described in subsection (a)(1) of this Section shall be allowed a maximum of four two aboveground tanks per facility of up to 2,500 gallons each ~~shall be~~ allowed for storage of flammable or combustible liquids, provided the total amount of any single type of fuel does not exceed 5,000 gallons, and any such liquid is stored outside buildings in a tank constructed throughout of steel and made vapor tight;

7) Facilities described in subsection (a)(3) of this Section shall be allowed a maximum of two aboveground fuel dispensing tanks per facility of up to 2,500 gallons each for storage of flammable or combustible liquids, provided any such liquid is stored in a tank constructed throughout of steel and made vapor tight;

8) Tanks installed or replaced after January 1, 1998 shall be located as required by subsection (b)(10) of this Section.

d) Storage of kerosene inside buildings.

1) At a facility, for personal or private use, a maximum of 12 gallons of kerosene inside buildings may be stored aboveground in containers which meet the requirements of NFPA 30 (Flammable and Combustible Liquids Code) (1987).

2) Sixty gallons or less may be stored in an aboveground tank at a facility for retail trade within a building, providing storage is

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in compliance with the following:

- A) Storage is in a tank of at least 14 gauge steel or aluminum;
  - B) Tank shall sit in a metal pan extending at least eight inches beyond the sides and rear of the tank and 18 inches beyond the front;
  - C) The tank shall be located on the first floor in an area supplied with natural light and ventilation;
  - D) The room or area where the tank is located shall be separated from any heat producing appliance, such as a hot water heater, furnace or space heater (radiators and hot air ducts are not considered heating appliances for this purpose), by one hour fire resistance as defined in ASTM E-119 (Fire Endurance Test) (1989);
  - E) The dispensing nozzle or spigot of the tank shall be spring loaded so as to return to the off position when pressure is stopped and so that pressure is constantly required to cause release of the kerosene;
  - F) The tank shall be blue in color and marked with the word "Kerosene" in letters at least two and one-half inches high in contrasting color.
- 3) Sixty gallons or less may be stored in a metal drum at a facility for retail trade within a building, providing storage is in compliance with the following:
- A) The metal drum shall be stored in a storage cabinet that meets the requirements of 49 CFR Chapter I (1987);
  - B) The storage cabinet shall sit in a metal pan extending at least eight inches beyond the sides and rear of the storage cabinet;
  - C) The room or area where the storage cabinet is located shall be separated from any heat producing appliance, such as a hot water heater, furnace or space heater (radiators and hot air ducts are not considered heating appliances for this purpose), by one hour fire resistance as defined in ASTM E-119 (Fire Endurance Test) (1989); and
  - D) The design and construction of storage cabinets, except as otherwise provided in this subsection (d)(3), shall be in compliance with 4-3 of NFPA 30 (Flammable and Combustible Liquids Code) (1987).
- 4) Factory-sealed containers of 1-K grade kerosene may be stored at a facility for retail trade within a building in compliance with ASTM F 976-86 (Portable Kerosene Containers for Consumer Use) (1986) and 4-5.5 of NFPA 30 (Flammable and Combustible Liquids Code) (1987).
- e) Storage of kerosene outside buildings shall be in accordance with 41 Ill. Adm. Code 160 and 170, except a maximum of 550 gallons of kerosene may be kept aboveground at a facility (including at service stations) in a tank or tanks of 550 gallons or less capacity under the following conditions:

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 1) When located at a service station, the dispensing tank shall be in a location at least eight feet away from driveways and other areas used by vehicles for customers or to deliver products;
  - 2) The dispensing nozzle or spigot of the tank shall be spring loaded so as to return to the off position when pressure is stopped and so that pressure is constantly required to cause release of the product;
  - 3) The tank shall be a skid tank or on a noncombustible base and the area under the tank and for 24 inches in all directions shall be either paved or covered with gravel and kept free of vegetation and combustible material;
  - 4) The tank shall be blue in color and marked with the word "Kerosene" in letters at least two and one-half inches high in a contrasting color;
  - 5) The dispensing nozzle or spigot of the tank shall be locked when the kerosene is not being dispensed; and
  - 6) The kerosene may only be dispensed by the owner, lessor or lessee of the facility, or their employees; no self-service of kerosene from an aboveground tank shall be allowed.
- f) Kerosene Labeling.
- 1) A sign with the following caution shall be posted at the point of sale and the dispensing point: "Caution Portable Unvented Kerosene Heaters Must Only Be Fueled With Grade 1-K Kerosene." This sign shall be of all-weather material and not less than 12" x 18" in size with letters at least one inch high on a contrasting background; and
  - 2) Where other grades of kerosene than 1-K are offered for sale, the grade of kerosene shall be identified at the point of sale or dispensing.
  - g) Any spill of Class I, II or III liquids in excess of 25 gallons at any facility at which they may be dispensed pursuant to this Section shall be reported to the Illinois Emergency Management Agency within 24 hours after such spill.

(Source: Amended at 22 Ill. Reg. 383, effective

**FEB 15 1996**)



## ILLINOIS REGISTER

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

The full text of this Adopted Amendment begins on the next page:

## ILLINOIS REGISTER

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Affordable Housing Bond Program
- 2) Code Citation: 47 Ill. Adm. Code 365
- 3) Section Numbers: Adopted Action:  
365.109 Amendment
- 4) Statutory Authority: Implementing Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25] and authorized by Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e)].
- 5) Effective date of Amendment: 2/4/98
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 15, 1997
- 9) Notice of Proposal published in Illinois Register: Published on October 17, 1997, 21 Ill Reg 13728.
- 10) Has JCAR issued a Statement of Objection to this Amendment? No
- 11) Differences between proposal and final version: Pursuant to First Notice Changes from JCAR, the Authority made a series of technical and grammatical corrections throughout the rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This amendment corrects the waiver section of this Part 365 to comply with the Illinois Administrative Procedure Act.
- 16) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:

Richard B. Muller, Esq.  
401 N. Michigan Ave., Suite 900  
Chicago, Illinois 60611  
312/836-5327

ILLINOIS HOUSING DEVELOPMENT AUTHORITY  
 NOTICE OF ADOPTED AMENDMENT  
 TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
 CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 365  
 AFFORDABLE HOUSING BOND PROGRAM

SUBPART A: GENERAL RULES

Section	Authority
365.101	Purpose and Objectives
365.102	Definitions
365.103	Borrowing by the Authority
365.104	Compliance with Law
365.105	Standards
365.106	Authority Determinations
365.107	Forms and Procedures for the Program
365.108	Fees and Charges of the Authority
365.109	Waiver (Repealed)
365.110	Amendment
365.111	Severability
365.112	Gender and Number
365.113	Titles and Captions
365.114	Calendar Days
365.115	

SUBPART B: ELIGIBILITY

Section	Eligible Activities
365.201	Market Rate Developments
365.202	Eligible Mortgageors Who May Receive Loans
365.203	Land Trusts
365.204	

SUBPART C: APPLICATION

Section	Application
365.301	Site and Market Study
365.302	Staff Recommendation to the Advisory Commission
365.303	Authority Determination
365.304	Conditional Commitment
365.305	

SUBPART D: NOTICE OF PROPOSED MULTI-FAMILY DEVELOPMENTS

Section	Applicability and Purpose of Notification
365.401	Notification by Authority
365.402	Comments and Responses
365.403	

ILLINOIS HOUSING DEVELOPMENT AUTHORITY  
 NOTICE OF ADOPTED AMENDMENT

365.404	Compilation of Comments and Responses
365.405	Hearings

SUBPART E: OWNER OF MULTI-FAMILY PROJECTS

Section	Eligible Mortgageors
365.501	Organizational Documents
365.502	Books and Records
365.503	Audits
365.504	Annual Financial Report
365.505	Furnishing Information
365.506	Standards for Approval of Conveyance
365.507	Purchase of Authority Bonds and Notes
365.508	

SUBPART F: MORTGAGE LOANS TO DEVELOPMENTS

Section	Maximum Loan Amount for Developments
365.601	Maturity of Loans
365.602	Recapture of Assistance
365.603	Prepayment of Loan
365.604	

SUBPART G: RETURN ON EQUITY

Section	Statutory Authorization Establishing Rate of Return
365.701	Equity and Distributions
365.702	Development Funds and Property
365.703	Reserve Fund for Replacements
365.704	

SUBPART H: CONSTRUCTION

Section	Design and Construction Standards
365.801	

SUBPART I: ENERGY EFFICIENCY

Section	Standards
365.901	

SUBPART J: CERTIFICATIONS

Section	Environmental Assessment
365.1001	Other Laws
365.1002	

SUBPART K: MARKETING AND MANAGEMENT

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Single Family Mortgage Purchase Program II
- 2) Code Citation: 47 Ill. Adm. Code 260
- 3) Section Numbers: Adopted Action:  
260.109 Amendment
- 4) Statutory Authority: Authorized by Sections 7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.23].
- 5) Effective date of Amendment: February 4, 1998
- 6) Does this rulemaking contain an automatic repeal date: No
- 7) Does this Amendment contain incorporations by reference: No
- 8) Date Filed in Agency's Principal Office: August 15, 1997
- 9) Notice of Proposal published in Illinois Register: Published on October 17, 1997, 21 Ill Reg 13738.
- 10) Has JCAR issued a Statement of Objection to this Amendment? No

11) Differences between proposal and final version: Pursuant to First Notice Changes from JCAR, the Authority made a series of technical and grammatical corrections throughout the rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: This amendment corrects the waiver section of this Part 260 to comply with the Illinois Administrative Procedure Act.

16) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:

Richard B. Muller, Esq.  
401 N. Michigan Ave., Suite 900  
Chicago, IL 60611  
312/836-5327

The full text of this Adopted Amendment begins on the next page:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT

- Section
- 365.1101 Marketing and Management
  - 365.1102 Marketing and Management Plans
  - 365.1103 Maintenance
  - 365.1104 Cost of Service

SUBPART L: TENANTS AND OCCUPANCY

- Section
- 365.1201 Displacement
  - 365.1202 Relocation Plan
  - 365.1203 Tenant Selection Plan
  - 365.1204 Income and Rent Limits
  - 365.1205 Commercial Facilities

AUTHORITY: Implementing Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25] and authorized by Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e)].

SOURCE: Emergency Rules adopted at 18 Ill. Reg. 1596, effective January 12, 1994, for a maximum of 150 days; adopted at 18 Ill. Reg. 8633, effective May 25, 1994; amended at 22 Ill. Reg. 3846, effective 3/8/98.

FEB 4 1998

SUBPART A: GENERAL RULES

Section 365.110 Waiver (Repealed)

By resolution, the Members may authorize the Director to waive or vary particular provisions of this Part to conform with the requirements of applicable State or Federal law or to conform with the determination of the Authority that the application of such provisions may result in undue hardship or produce an unreasonable result.

(Source: Repealed at 22 Ill. Reg. 3641, effective

FEB 4 1998)



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

## TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT

## CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## PART 260

## HOMEOWNER MORTGAGE REVENUE BOND PROGRAM

## SUBPART A: GENERAL RULES

Section  
260.101  
260.102  
260.103  
260.104  
260.105  
260.106  
260.107  
260.108  
260.109  
260.110  
260.111  
260.112  
260.113  
260.114

Authority  
Purposes and Objectives  
Definitions  
Borrowing by the Authority  
Compliance with Federal Law  
Standards  
Forms for the Program  
Fees and Charges of the Authority  
Waiver (Repealed)  
Amendment  
Severability  
Gender and Number  
Titles and Captions  
Calendar Days

## SUBPART B: LENDER APPLICATION PROCESS

Section  
260.201  
260.202  
260.203  
260.204  
260.205

Invitations to Sell Mortgage Loans  
Security for Allocation of Net Proceeds  
Allocation of Net Proceeds for Purchase of Mortgage loans  
Notice of Acceptance  
Commitments for Mortgage Loans

## SUBPART C: HOMEBUILDER APPLICATION PROCESS

Section  
260.301  
260.302  
260.303  
260.304  
260.305

HomeBuilder Invitations  
Reservation of Funds for Construction of Qualified Dwellings  
Notice of Reservation of Funds  
Real Estate Purchase Contracts  
Transfer of Reserved Funds

## SUBPART D: PURCHASE OF MORTGAGE LOANS

Section  
260.401  
260.402

Mortgage Loans  
Yield on Mortgage Loans

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

260.403 Terms and Conditions of the Purchase of Mortgage Loans  
260.404 Prepayment  
260.405 Targeted Area Residences  
260.406 Supplemental Mortgage Coverage  
260.407 Special Hazard Insurance

## SUBPART E: ADMINISTRATIVE RULES

Section  
260.501  
260.502  
260.503  
260.504  
260.505  
260.506

Restrictions on Return Realized by Lenders  
Servicing of Mortgage Loans  
Purchase of Authority Bonds  
Equal Opportunity Lending  
Inspection of Books and Records  
Termination

AUTHORITY: Authorized by Sections 7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.23].

SOURCE: Adopted at 18 Ill. Reg. 17229, effective November 16, 1994; amended at 22 Ill. Reg. 3851, effective FEB 4 1998.

EDITOR'S NOTE: The federal agency referred to in this Part as the "VA" and "The United States Veterans' Administration" changed its name in 1989 to the United States Department of Veterans Affairs.

## SUBPART A: GENERAL RULES

## Section 260.109 Waiver (Repealed)

The Authority by resolution may waive or vary particular provisions of this Part to conform to changes in the requirements of applicable State or Federal law. The Authority will follow up the resolution with rulemaking that reflects such requirements of State or Federal law as expeditiously as possible.

(Source: Repealed at 22 Ill. Reg. 3851, effective FEB 4 1998)

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Multifamily Rental Housing Mortgage Loan Program

2) Code Citation: 47 Ill. Adm. Code 310

3) Section Numbers:                      Adopted Action:  
310.109                                      Repeal  
310.702                                      Amendment

4) Statutory Authority: Implemented and authorized by the Illinois Housing Development Act [20 ILCS 3805]

5) Effective date of Amendment: February 4, 1998

6) Does this rulemaking contain an automatic repeal date: No

7) Does this Amendment contain incorporations by reference: No

8) Date Filed in Agency's Principal Office: August 15, 1997

9) Notice of Proposal published in Illinois Register: Published on October 17, 1997, 21 Ill Reg 13742.

10) Has JCAR issued a Statement of Objection to this Amendment? No

11) Differences between proposal and final version: Pursuant to First Notice Changes from JCAR, the Authority made a series of technical and grammatical corrections throughout the rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this Amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: The first proposed amendment corrects the waiver Section of this Part 310 to comply with the Illinois Administrative Procedure Act. The second proposed amendment deletes a provision concerning market rate tenants because IHDA is not required to regulate such tenants.

16) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:

Richard B. Muller, Esq.  
401 N. Michigan Ave., Suite 900  
Chicago, IL 60611

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

312/836-5327

The full text of this Adopted Amendment begins on the next page:

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## PART 310

## MULTIFAMILY RENTAL HOUSING MORTGAGE LOAN PROGRAM

## SUBPART A: GENERAL RULES

Section  
310.101  
310.102  
310.103  
310.104  
310.105  
310.106  
310.107  
310.108  
310.109  
310.110  
310.111  
310.112  
310.113  
310.114

Authority  
Purpose and Objectives  
Definitions  
Borrowing by the Authority  
Compliance with Federal Law  
Standards  
Forms and Procedures for the Program  
Fees and Charges of the Authority  
Waiver (Repealed)  
Amendment  
Severability  
Gender and Number  
Titles and Captions  
Calendar Days

## SUBPART B: NOTICE OF PROPOSED DEVELOPMENTS

Section  
310.201  
310.202  
310.203  
310.204  
310.205  
310.206

Applicability and Purpose of Notification  
Notification by Authority  
Comments and Responses  
Conditional Commitment Application  
Hearings  
Notice of Issuance of Conditional Commitment Letter

## SUBPART C: OWNER

Section  
310.301  
310.302  
310.303  
310.304  
310.305  
310.306  
310.307  
310.308  
310.309

Eligible Mortgages  
Land Trusts  
Organizational Documents  
Books and Records  
Audits  
Annual Financial Report  
Furnishing Information  
Purchase of Authority Bonds and Notes  
Standards for Approval of Conveyance and Amendment of Documents

## SUBPART D: MORTGAGE LOAN

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

Section  
310.401  
310.402  
310.403  
310.404  
310.405

Maximum Mortgage Loan Amount  
Maturity of Mortgage Loans  
Equity and Distributions  
Development Funds and Property  
Reserve Fund for Replacements

## SUBPART E: CONSTRUCTION

Section  
310.501

Design and Construction Standards

## SUBPART F: MARKETING AND MANAGEMENT

Section  
310.601  
310.602  
310.603  
310.604

Marketing and Management  
Marketing and Management Plans  
Maintenance  
Cost of Services

## SUBPART G: OCCUPANCY

Section  
310.701  
310.702  
310.703

Tenant Selection Plan  
Income Limits  
Commercial Facilities

SUBPART H: RATE OF RETURN ON EQUITY FOR  
LIMITED-PROFIT ENTITIES

Section  
310.801  
310.802  
310.803  
310.804  
310.805  
310.806

Statutory Authorization  
Developments Eligible for Increased Rate of Return  
Retroactive Adjustments  
Calculation of Alternate Basic Rate of Return  
Risk Premium for Special Needs  
Increases in the Basic Rate of Return

SUBPART I: ENERGY EFFICIENCY STANDARDS FOR NEW AND  
REHABILITATED DEVELOPMENTS

Section  
310.901  
310.902  
310.903  
310.904  
310.905  
310.906

Statutory Authorization  
Definitions  
Incorporation of National Standards  
Thermal Requirements  
Air Infiltration Requirements  
Doors, Windows and Glass



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

310.907 Mechanical Work  
 310.908 Insulation  
 310.909 Mechanical Work  
 310.910 Electrical Work  
 310.911 Energy Audit Analysis  
 310.912 Rehabilitation Guidelines  
 310.913 Rehabilitation Waiver

AUTHORITY: Implementing and authorized by the Illinois Housing Development Act (20 ILCS 3805).

SOURCE: Adopted at 5 Ill. Reg. 14583, effective prior to October 24, 1980 as corrected at 6 Ill. Reg. 620; codified at 7 Ill. Reg. 2433; amended at 8 Ill. Reg. 2996, effective February 28, 1984; amended at 9 Ill. Reg. 8631, effective May 29, 1985; emergency amendment at 9 Ill. Reg. 10086, effective June 13, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11296, effective July 5, 1985; amended at 9 Ill. Reg. 14675, effective September 13, 1985; amended at 9 Ill. Reg. 16948, effective October 21, 1985; amended at 10 Ill. Reg. 13657, effective August 4, 1986; amended at 10 Ill. Reg. 13987, effective August 11, 1986; amended at 14 Ill. Reg. 693, effective December 27, 1989; amended at 16 Ill. Reg. 10248, effective June 16, 1992; emergency amendment at 17 Ill. Reg. 13805, effective August 10, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 1939, effective January 21, 1994; amended at 22 Ill. Reg. 3854, effective FEB 4 1996.

## SUBPART A: GENERAL RULES

## Section 310.109 Waiver (Repealed)

By resolution the Members may waive or vary particular provisions of this Part to conform with the requirements of applicable State or Federal law or to conform with the determination of the Authority that the application of such provisions may result in undue hardship or an unreasonable result.

(Source: Repealed 22 Ill. Reg. 3854, effective FEB 4 1996)

## SUBPART G: OCCUPANCY

## Section 310.702 Income Limits

- a) General. A person's or family's initial occupancy of a unit held available for rental to persons and families of low or moderate income, as defined in Section 2(g) of the Act, Treas. Reg. Sec. 1.103-8(b)(8)(v) (1984) (24 CFR 889.103 (1984)), shall be limited to persons and families initially meeting the income limits set forth in subsection (b) of this Section. If a person or family meeting income requirements at the time of initial occupancy subsequently fails to

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

continue to meet such requirements, that failure shall not constitute non-compliance by that Tenant.

- b) 1) For all Developments an income limitation is established equal to 80% of the median family income for the metropolitan statistical area in which the Development is located for that proportion of the units (20%, or 15% in certain targeted areas) as is required by the Treasury Regulations under Section 103(b) of the United States Internal Revenue Code (26 U.S.C. 103(b)), as amended.
- 2) Provided, however, for Developments with Assisted Mortgage Financing, as that term is defined in the Act, involving programs of the United States Department of Housing and Urban Development (HUD), income limitations shall be established (at levels higher or lower than otherwise would be established) which shall be consistent with applicable regulations and/or feasibility criteria of HUD or the Federal Housing Administration programs under the National Housing Act mortgage insurance or co-insurance programs under Sections 207, 220, 221, 236 and 255 of the National Housing Act (24 CFR 207.1 et seq. (1984); 24 CFR 220.1 et seq. (1984); 24 CFR 221.1 et seq. (1984); 24 CFR 236.1 et seq. (1984); 24 CFR 255.1 et seq. (1984)). The limitations may be established as a percentage of median income or as a dollar amount. No such income limitations shall be established for such Developments unless the Authority shall determine that, without the Authority mortgage loans and the HUD related Assisted Mortgage Financing, rentals for such Developments would be required to be at levels which would equal or exceed 30% of the income of the Tenants.
- c) Areas of Determination. Determination of income limits for persons and families of low and moderate income shall be made for metropolitan statistical areas (or segments thereof), as defined in Section 103A(1)(4)(B) of the Internal Revenue Code (26 U.S.C. 103(1)(4)(B)(1984)), in the State and for that portion of the State not within any metropolitan statistical area (or segments thereof). Certification. The Owner shall obtain from each prospective tenant intending to occupy a unit held available for rental to persons and families of low or moderate income a certification of income which shall be submitted by letter to the Authority from the Owner.
- e) Market Rate Tenants. With respect to Developments for which a conditional commitment letter was issued prior to August 97 19847 upon initial occupancy of a dwelling unit in a Development financed under the Program, persons and families who will not be subsidized or who will not occupy a subsidized unit shall not have an annual income in excess of seven times the annual rent, without taking into consideration any subsidy, applicable to the dwelling unit to be occupied by such tenant.

(Source: Amended at 22 Ill. Reg. 3854, effective

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

~~FEB 4 1998~~

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Single Family Mortgage Purchase Program
- 2) Code Citation: 47 Ill. Adm. Code 220
- 3) Section Numbers: 220.109  
Adopted Action:  
Amendment
- 4) Statutory Authority: Mortgage Subsidy Bond Tax Act of 1980 (26 U.S.C. 103A) and Sections 3085/7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.9 and 7.23].
- 5) Effective Date of Rulemaking: 2/4/98
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 15, 1997
- 9) Notice of Proposal Published in Illinois Register: Published on October 17, 1997, 21 Ill Reg 13749.
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: Pursuant to First Notice Changes from JCAR, the Authority made a series of technical and grammatical corrections throughout the rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This amendment corrects the waiver section of this Part 220 to comply with the Illinois Administrative Procedure Act.
- 16) Information and questions regarding this adopted amendment shall be directed to: Interested parties may submit comments, data, views or arguments concerning this rulemaking to:

Name: Richard B. Muller, Esq.  
Address: 410 North Michigan Ave., Suite 900  
Chicago, Illinois 60611  
Telephone: 312/836-5327

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendment begins on the next page:

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## PART 220

## SINGLE FAMILY MORTGAGE PURCHASE PROGRAM

## SUBPART A: GENERAL RULES

Section  
220.101  
220.102  
220.103  
220.104  
220.105  
220.106  
220.107  
220.108  
220.109  
220.110  
220.111

Authority  
Purpose and Objectives  
Definitions  
Borrowing by the Authority  
Compliance with Federal Law  
Standards  
Forms for the Program  
Fees and Charges of the Authority  
Waiver (Repealed)  
Amendment  
Severability

## SUBPART B: APPLICATION PROCESS

Section  
220.201  
220.202  
220.203  
220.204  
220.205

Invitations to Sell Mortgage Loans  
Applications to Sell Mortgage Loans  
Allocation of Net Proceeds for Purchase of Mortgage Loans  
Notice of Acceptance  
Firm Commitments for Mortgage Loans

## SUBPART C: PURCHASE OF MORTGAGE LOANS

Section  
220.301  
220.302  
220.303  
220.304  
220.305  
220.306  
220.307

Mortgage Loans  
Yield on Mortgage Loans  
Terms and Conditions of the Purchase of Mortgage Loans  
Prepayment  
Targeted Area Residences  
Mortgage Pool Insurance  
Arbitrage and Investment Gains

## SUBPART D: ADMINISTRATIVE RULES

Section  
220.401  
220.402  
220.403  
220.404

Restrictions on Return Realized by Lenders  
Servicing of Mortgage Loans  
Purchase of Authority Bonds  
Equal Opportunity Lending



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

## 220.405 Inspection of Books and Records

**AUTHORITY:** Implementing the Mortgage Subsidy Bond Tax Act of 1980 (26 U.S.C. 103A) and authorized by Sections 7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.23].

**SOURCE:** Adopted at 5 Ill. Reg. 9439, effective September 9, 1981; codified at 7 Ill. Reg. 2505; amended at 22 Ill. Reg. ~~3061~~, effective

~~FEB 4 1998~~

## SUBPART A: GENERAL RULES

## Section 220.109 Waiver (Repealed)

~~The Authority by resolution may waive or vary particular provisions of this Part to conform to the requirements of applicable federal law or in exceptional circumstances, to conform with a determination of the Authority that the application thereof may result in undue hardship or an unreasonable result.~~

(Source: Repealed at 22 Ill. Reg. ~~3861~~, effective

~~FEB 4 1998~~)

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Single Family Mortgage Purchase Program II
- 2) Code Citation: 47 Ill. Adm. Code 250
- 3) Section Numbers: 250.109  
Adopted Action: Amendment
- 4) Statutory Authority: Mortgage Subsidy Bond Tax Act of 1980 (26 U.S.C. Section 103A) and Sections 3805/7.19, and 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.23]
- 5) Effective date of Amendment: February 4, 1998
- 6) Does this rulemaking contain an automatic repeal date: No
- 7) Does this Amendment contain incorporations by reference: No
- 8) Date Filed in Agency's Principal Office: August 15, 1997
- 9) Notice of Proposal published in Illinois Register: Published on October 17, 1997, 21 Ill Reg 13753.
- 10) Has JCAR issued a Statement of Objection to this Amendment? No
- 11) Differences between proposal and final version: Pursuant to First Notice Changes from JCAR, the Authority made a series of technical and grammatical corrections throughout the rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this Amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This Amendment corrects the waiver section of this Part 250 to comply with the Illinois Administrative Procedure Act.
- 16) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:

Richard B. Muller, Esq.  
401 N. Michigan Ave., Suite 900  
Chicago, IL 60611  
312/836-5327

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

The full text of this Adopted Amendment begins on the next page:

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## PART 250

## SINGLE FAMILY MORTGAGE PURCHASE PROGRAM II

## SUBPART A: GENERAL RULES

Section	
250.101	Authority
250.102	Purpose and Objectives
250.103	Definitions
250.104	Borrowing by the Authority
250.105	Compliance with Federal Law
250.106	Standards
250.107	Forms for the Program
250.108	Fees and Charges of the Authority
250.109	Waiver (Repealed)
250.110	Amendment
250.111	Severability
250.112	Gender and Number
250.113	Titles and Captions
250.114	Calendar Days

## SUBPART B: APPLICATION PROCESS

Section	
250.201	Invitations to Sell Mortgage Loans
250.202	Applications to Sell Mortgage Loans
250.203	Allocation of Net Proceeds for Purchase of Mortgage Loans
250.204	Notice of Acceptance
250.205	Commitments for Mortgage Loans
250.206	Reservation of Allocations by Lenders

## SUBPART C: PURCHASE OF MORTGAGE LOANS

Section	
250.301	Mortgage Loans
250.302	Yield on Mortgage Loans
250.303	Terms and Conditions of the Purchase of Mortgage Loans
250.304	Prepayment
250.305	Targeted Area Residences
250.306	Mortgage Pool Insurance
250.307	Arbitrage and Investment Gains

## SUBPART D: ADMINISTRATIVE RULES

## Section

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

- 250.401 Restrictions on Return Realized by Lenders  
250.402 Servicing of Mortgage Loans  
250.403 Purchase of Authority Bonds  
250.404 Equal Opportunity Lending  
250.405 Inspection of Books and Records  
250.406 Termination

AUTHORITY: Implementing the Mortgage Subsidy Bond Tax Act of 1980 (26 U.S.C. Section 103A) and authorized by Sections 7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.23].

SOURCE: Adopted at 7 Ill. Reg. 10818, effective August 19, 1983; emergency amendment at 8 Ill. Reg. 13880, effective July 25, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24998, effective December 19, 1984; amended at 22 Ill. Reg. ~~3865~~ effective FEB 4 1998.

## SUBPART A: GENERAL RULES

## Section 250.109 Waiver (Repealed)

~~The Authority by resolution may waive or vary particular provisions of this Part to conform to changes in the requirements of applicable federal law. In addition, the Authority by resolution may waive or vary particular provisions of this Part in exceptional circumstances to conform with a determination of the Authority that the application thereof may result in undue hardship to the lender or eligible borrower or an unreasonable result.~~

(Source: Repealed at 22 Ill. Reg. ~~3865~~, effective FEB 4 1998.)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Centers for Independent Living  
2) Code Citation: 89 Ill. Adm. Code 886  
3) Section Numbers: Adopted Action:  
886.70 Amendment  
886.80 Amendment  
886.90 Amendment  
886.100 Amendment  
4) Statutory Authority: Disabled Persons Rehabilitation Act [20 ILCS 2405/12a], and 29 U.S.C. 711 and 796.  
5) Effective Date of Rule(s) (Amendments, Repealer): February 6, 1998  
6) Does this rulemaking contain an automatic repeal date? No  
7) Does this rule (amendment, repealer) contain incorporations by reference? No  
8) Date Filed in Agency's Principal Office: February 5, 1998  
9) Notice of Proposal Published in Illinois Register: June 20, 1997, 21 Ill. Reg. 7649  
10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No  
11) Difference(s) between proposal and final version: Minor technical changes.  
12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes  
13) Will this rule replace an Emergency Rule(s) currently in effect? No  
14) Are there any amendments pending on this Part: No  
15) Summary and Purpose of Rule(s): To provide for a fairer evaluation system for Centers for Independent Living.  
16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.



DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER h: MISCELLANEOUS PROGRAMS

PART 886  
CENTERS FOR INDEPENDENT LIVING

Section	General Provisions
886.10	Definitions
886.20	Purpose
886.30	Funding from DHS for Independent Living Services
886.40	Applications for First-time Funding from DHS for Centers for Independent Living
886.50	Review and Approval of Initial Applications for Funding from DHS
886.60	Compliance Reviews and Recertification of <u>for</u> CILs for Continued Funding
886.70	<u>Impact Scoring</u> of the Compliance Review
886.80	Reporting the Outcome of a Compliance Review
886.90	Funding Based on Compliance Review Outcomes
886.100	Grievance of Compliance Review Ratings
886.110	

AUTHORITY: Implementing and authorized by Section 12a of the Disabled Persons Rehabilitation Act [20 ILCS 2405/12a], and 29 U.S.C. 711 and 796.

SOURCE: Adopted at 20 Ill. Reg. 12262, effective August 27, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 3869, effective

**FEB 6 1998**

Section 886.70 Compliance Reviews and Recertification for CILs for Continued Funding

- a) Annually, or whenever it is determined necessary by DHS, DHS shall conduct an on-site review of all DHS-funded CILs to ascertain whether DHS should renew, modify, or terminate funding agreements with the CIL.
- b) The review shall be completed using a team of peer reviewers which is selected and established by DHS and the Illinois Network of Centers for Independent Living (INCIL), if funding permits. The peer review team shall consist of at least one include--a current CIL director with at least 3 years management experience selected from a list of current CIL directors, at least by the CIL-being-reviewed-from-a-list provided--by--DHS--and one member of DHS' Independent Living staff, and at least one person with a disability. DHS reserves the right to select another CIL director, if the director selected is responsible for a CIL that has been found to be out of compliance as a result of a compliance review completed within the last twelve months. who-is-not

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois 62762  
Telephone number: (217) 785-9772  
TTY: (217) 557-1547

The full text of Adopted Rule(s) begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

the project officer for the funding agreement with the CIL being reviewed. When sufficient funds are not available, reviews shall be completed by only DHS Independent Living staff.

- c) DHS shall review CILs using the criteria established by RSA for review of compliance for CILs receiving funding under Part C, as defined by Section 725(b) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 725(b)).

(Source: Amended at 22 Ill. Reg. 3869, effective FEB 6 1998)

## Section 886.80 Impact Scoring of the Compliance Review

- a) Impact of Compliance Review Scoring

Based on the reviewers' observations regarding the CIL's compliance with DHS requirements, each CIL undergoing a review will be given a written summary which will include both positive and negative aspects of the operations of the CIL. Numerical score for each compliance standard. The scores for each compliance standard will then be tallied to determine the CIL's total compliance rating. The total compliance rating will be used when making final recommendations to BHS Director for continued funding.

- b) Numerical Values for Compliance Review Standards

Each compliance standard on which the CIL is being reviewed shall be rated on a 10-point scale with 10 meaning full compliance and 0 points meaning the CIL has failed to meet any portion of the standard.

- c) A total of 70 points shall be available to a CIL undergoing a Compliance Review based on 10 possible points for each of the 7 compliance standards. Based on this, recommendations for continued funding shall be made as follows:

- 1) 50 or more total points --- Full Compliance
- 2) 40-49 total points --- Partial Compliance
- 3) 30-39 total points --- Noncompliance
- 4) less than 30 total points --- Unacceptable Noncompliance

(Source: Amended at 22 Ill. Reg. 3869, effective FEB 6 1998)

## Section 886.90 Reporting the Outcome of a Compliance Review

- a) Upon completion of the compliance review, the team completing the review shall tabulate all ratings, prepare a written report of findings will be prepared by the Manager of the Division and/or lead reviewer, and provided provide them to the Manager - Division of Independent Living for review.

- b) The Manager - Division of Independent Living shall review the ratings and report to ensure all information is correct and adequate and shall

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

prepare a written recommendation regarding future funding from DHS to the CIL and submit the recommendation to the DHS-ORS' Associate Director for review.

- c) After the evaluation of the compliance review, the Manager - Division of Independent Living shall determine if an additional review is necessary. If the Manager determines that additional review is necessary, the Manager shall notify the CIL in writing that deficiencies were found. The Manager shall initiate the additional review process along with establishing a review team. This additional review shall be undertaken when it is determined that corrective action is needed by the CIL due to non-compliance.

- d) DHS-ORS Associate Director BORSI-Director shall then review the recommendation and supporting documentation provided by the Manager - Division of Independent Living and make a final determination as to future funding to the CIL.

(Source: Amended at 22 Ill. Reg. 3869, effective FEB 6 1998)

## Section 886.100 Funding Based on Compliance Review Outcomes

After review of the recommendation and supporting material, DHS-ORS Associate Director BORSI-Director shall assign the CIL a final compliance rating, as follows, which will have the impact described below.

- a) Full Compliance Rating - the CIL shall receive funding at the same or an increased level as the current year within the limitation of available funds and the needs of DHS and shall be exempt from undergoing a Full Compliance Review for a period not to exceed 3 years.

- b) Partial Compliance Rating - the CIL will be placed on a 6-month probationary status to remedy deficiencies identified in the Compliance Review. Funding will remain at the same level as the current year for the 12 month probationary period. BHS shall monitor the progress of the CIL to ensure deficiencies are being corrected. Prior to the end of the 6-month probationary period, BHS shall perform a Compliance Review of the CIL reviewing only those items on which the CIL was found deficient. In the second Compliance Review, the CIL must obtain a Full Compliance Rating or funding to the CIL shall be terminated within 30 days. If the CIL achieves a Full Compliance Rating as a result of the second review, the provisions of subsection (a) of this Section shall apply, except that the CIL shall undergo a Full Compliance Review at least once in the next 3 years.

- b) Noncompliance Rating - the CIL will be placed on 12 month probationary status to remedy deficiencies identified in the Compliance Review. Funding will remain at the same level as the current year for the 12 month probationary period within the limitation of available funds and

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

the needs of DHS. During the probationary period, DHS shall monitor the progress of the CIL to ensure deficiencies are being corrected. Prior to the end of the 12 month probationary period, DHS shall perform a Compliance Review of the CIL reviewing only those items on which the CIL was found deficient. In the second Compliance Review, the CIL must obtain a Full Compliance Rating or funding to the CIL shall be terminated within 30 days. If the CIL achieves a Full Compliance Rating as a result of the second review, the provisions of subsection (a) of this Section shall apply, ~~7- except that the CIL shall undergo a Full Compliance Review the next year and a Secondary Compliance Review for each of next two years.~~

cd) Unacceptable Noncompliance Rating - funding to the CIL will be ceased in 30 days. There will be no probationary period or subsequent review of the CIL.

(Source: Amended at 22 Ill. Reg. 3869, effective FEB 8 1998)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Clinical Social Work and Social Work Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1470
- 3) Section Numbers: Adopted Action:  
1470.55 New Section
- 4) Statutory Authority: Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- 5) Effective Date of Amendments: February 5, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 4, 1998
- 9) Date Notice of Proposal Published in Illinois Register: October 31, 1997, at 21 Ill. Reg. 14150
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?  
No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 90-0150, effective December 30, 1997, includes the reauthorization of the Clinical Social Work and Social Work Practice Act. Among its changes was elimination of the statutory fee section, replacing it with fees set by administrative rule. There have been no changes from the statutory fees for application or renewal of licenses.
- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

Fax #: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1470

## CLINICAL SOCIAL WORK AND SOCIAL WORK PRACTICE ACT

Section	
1470.5	Grandfather Provisions (Repealed)
1470.7	Temporary License (Repealed)
1470.10	Applications
1470.20	Professional Experience
1470.30	Approved Colleges, Universities, and Graduate Schools of Social Work Programs
1470.40	Employer's Affidavit (Repealed)
1470.50	Admission to Examination (Repealed)
1470.55	Fees
1470.60	Endorsement
1470.70	Examinations
1470.80	Restoration
1470.90	Renewals
1470.95	Continuing Education
1470.96	Unethical, Unauthorized and Unprofessional Conduct
1470.100	Granting Variances

**AUTHORITY:** Implementing the Clinical Social Work and Social Work Practice Act [225 ILCS 20] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

**SOURCE:** Rules for the Administration of the Social Workers Registration Act, effective November 18, 1971; amendment effective September 25, 1975; amended at 5 Ill. Reg. 946, effective January 15, 1981; codified at 5 Ill. Reg. 11067; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 9392, effective July 26, 1983; amended at 10 Ill. Reg. 19093, effective October 28, 1986; amended at 11 Ill. Reg. 9945, effective May 12, 1987; transferred from Chapter I, 68 Ill. Adm. Code 470 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1470 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2981; emergency amendments at 13 Ill. Reg. 5771, effective April 5, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 13867, effective August 22, 1989; amended at 16 Ill. Reg. 7009, effective April 16, 1992; amended at 18 Ill. Reg. 2370, effective January 28, 1994; amended at 20 Ill. Reg. 4323, effective February 28, 1996; amended at 22 Ill. Reg. 36, effective FEB 5 1998.

Section 1470.55 Fees

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

The following fees shall be paid to the Department and are not refundable:

## a) Application Fees.

1) The fee for application for a license as a licensed clinical social worker or licensed social worker is \$50. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

2) The application fee for a license as a licensed clinical social worker or licensed social worker who is certified or licensed under the laws of another jurisdiction is \$200.

3) The fee for application as a continuing education sponsor is \$500. State agencies, State colleges and State universities in Illinois shall be exempt from this fee.

## b) Renewal Fees.

1) The fee for the renewal of a license shall be calculated at the rate of \$30 per year.

2) The fee for renewal as a continuing education sponsor shall be calculated at the rate of \$50 per year.

## c) General Fees.

1) The fee for the reinstatement of a license other than from inactive status that has been expired for less than 5 years is \$20 plus payment of all lapsed renewal fees.

2) The fee for the restoration of a license that has been expired for more than 5 years is \$200.

3) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.

4) The fee for a certification of a licensee's record for any purpose is \$20.

5) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fee charged by the testing service.

6) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.

7) The fee for a roster of persons licensed as licensed clinical social workers or licensed social workers in this State shall be the actual cost of producing such a roster.

(Source: Added at 22 Ill. Reg. 3878, effective FEB 5, 1998)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Illinois Speech-Language Pathology and Audiology Practice Act

2) Code Citation: 68 Ill. Adm. Code 1465

3) Section Numbers: 1465.75  
Adopted Action: New Section

4) Statutory Authority: Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]

5) Effective Date of Amendments: February 5, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 4, 1998

9) Date Notice of Proposal Published in Illinois Register: August 22, 1997, at 21 Ill. Reg. 11625

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: Public Act 90-0069, effective July 8, 1997, includes the reauthorization of the Illinois Speech-Language Pathology and Audiology Practice Act. Among its changes was elimination of the statutory fee section, replacing it with fees set by administrative rule. There have been no changes from the statutory fees for application or renewal of licenses. However, various processing fees have been changed from \$10 to \$20.

16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

The full text of the Adopted Amendments begins on the next page:

Springfield, Illinois 62786  
217/785-0813  
Fax #: 217/782-7645

PART 1465  
THE ILLINOIS SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY PRACTICE ACT

Section	
1465.10	Application for Licensure Under Section 7 of the Act (Repealed)
1465.20	Approved Programs
1465.30	Professional Experience
1465.35	Supervision
1465.36	Evaluation and Management Related to Speech-Language Pathology and Audiology
1465.40	Application for Licensure
1465.50	Examination
1465.60	Endorsement
1465.70	Renewal
1465.75	Fees
1465.80	Restoration
1465.90	Granting Variances

AUTHORITY: Implementing the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 13 Ill. Reg. 1616, effective January 20, 1989, for a maximum of 150 days; emergency expired June 19, 1989; adopted at 13 Ill. Reg. 13882, effective August 22, 1989; amended at 18 Ill. Reg. 12794, effective August 4, 1994; amended at 19 Ill. Reg. 11477, effective July 28, 1995; emergency amendment at 21 Ill. Reg. 11785, effective August 7, 1997, for a maximum of 150 days; emergency expired January 3, 1998; amended at 22 Ill. Reg. 3879, effective FEB 5 1998.

Section 1465.75 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees.
  - 1) The fee for application for initial license by examination is \$90. In addition, applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- 2) The fee for application for a person licensed as a speech-language pathologist or audiologist under the laws of another state or territory of the United States or of a foreign country or province is \$100.
- b) Renewal Fees. The fee for the renewal of a license shall be calculated at the rate of \$50 per year.
- c) General Fees.
- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license which has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee for rescoring an examination shall be the cost to the Department of rescoring the examination, plus any fees charged by the applicable testing service to have the examination rescored.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.
- 6) The fee for a roster of persons licensed as speech-language pathologists or audiologists in this State shall be the actual cost of producing such a roster.

(Source: Added at 22 Ill. Reg. 387.0, effective

**FEB 5 1998**)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Marriage and Family Therapy Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1283
- 3) Section Numbers: Adopted Action:  
1283.95 New Section
- 4) Statutory Authority: The Marriage and Family Therapy Licensing Act [225 ILCS 55].
- 5) Effective Date of Amendments: 2/5/98
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: 2/4/98
- 9) Date Notice of Proposal Published in Illinois Register: October 31, 1997, at 21 Ill. Reg. 14154
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?  
No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 90-0061, effective December 30, 1997, includes the reauthorization of the Marriage and Family Therapy Licensing Act. Among its changes was elimination of the statutory fee section, replacing it with fees set by administrative rule. There have been no changes from the statutory fees for application or renewal of licenses. However, a processing fee has been changed from \$10 to \$20.
- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0813 Fax #: 217/792-7645

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1283  
MARRIAGE AND FAMILY THERAPY LICENSING ACT

## Section

1283.10	Application for a Temporary License Under Section 50 of the Act
1283.20	Experience and Clinical Supervision
1283.30	Education
1283.40	Examination
1283.50	Application for Examination/Licensure
1283.60	Endorsement
1283.70	Renewal
1283.80	Inactive Status
1283.90	Restoration
1283.95	Fees
1283.100	Professional Conduct
1283.110	Continuing Education
1283.120	Granting Variances

**AUTHORITY:** Implementing the Marriage and Family Therapy Licensing Act [225 ILCS 55] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

**SOURCE:** Adopted at 18 Ill. Reg. 10752, effective June 28, 1994; amended at 20 Ill. Reg. 12006, effective August 27, 1996; amended at 22 Ill. Reg. 3883, effective **FEB 5 1998**.

**Section 1283.95 Fees**

The following fees shall be paid to the Department and are not refundable:

a) Application Fees.

- 1) The fee for original application for a license as a marriage and family therapist is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- 2) The application fee for a license as a marriage and family therapist certified or licensed under the laws of another jurisdiction is \$200.
- 3) The fee for application as a continuing education sponsor is

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

\$500. State agencies, State colleges and State universities in Illinois are exempt from paying this fee.

b) Renewal Fees.

- 1) The fee for the renewal of a license shall be calculated at the rate of \$60 per year.
- 2) The fee for renewal as a continuing education sponsor is \$125 per year.

c) General Fees.

- 1) The fee for the restoration of a license other than from inactive status that has been expired for 5 years or less is \$20 plus payment of all lapsed renewal fees.
- 2) The fee for the restoration of a license that has been expired for more than 5 years is \$300.
- 3) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license which has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 4) The fee for a certification of a licensee's record for any purpose is \$20.
- 5) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20, plus any fee charged by the testing service.
- 6) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.
- 7) The fee for a roster of persons licensed as marriage and family therapists in this State shall be the actual cost of producing such a roster.

(Source: Added at 22 Ill. Reg. 3883 = 3, effective

**FEB 5 1996**)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Nursing Home Administrators Licensing and Disciplinary Act
- 2) Code Citation: 68 Ill. Adm. Code 1310
- 3) Section Numbers: Adopted Action: 1310.65 New Section
- 4) Statutory Authority: Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70].
- 5) Effective Date of Amendments: 2/5/98
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: 2/4/98
- 9) Date Notice of Proposal Published in Illinois Register: October 31, 1997, at 21 Ill. Reg. 14158
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 90-0061, effective December 30, 1997, includes the reauthorization of the Nursing Home Administrators Licensing and Disciplinary Act. Among its changes was elimination of the statutory fee section, replacing it with fees set by administrative rule. There have been no changes from the statutory fees for application or renewal of licenses. However, a processing fee has been changed from \$10 to \$20.
- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois 62786  
217/785-0813 Fax #: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1310

NURSING HOME ADMINISTRATORS LICENSING  
AND DISCIPLINARY ACT

Section	
1310.10	Statutory Authority (Repealed)
1310.20	Temporary License
1310.30	Application for Examination
1310.40	Approved Nursing Home Administration Courses
1310.50	Qualifying Experience
1310.60	Examination
1310.65	Fees
1310.70	Endorsement
1310.75	Renewals
1310.80	Restoration
1310.85	Continuing Education
1310.90	Granting Variances

**AUTHORITY:** Implementing the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

**SOURCE:** Adopted at 5 Ill. Reg. 1500, effective February 1, 1981; codified at 5 Ill. Reg. 11045; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 9 Ill. Reg. 5364, effective April 8, 1985; amended at 10 Ill. Reg. 16715, effective September 22, 1986; transferred from Chapter I, 68 Ill. Adm. Code 310 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1310 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2955; amended at 13 Ill. Reg. 15653, effective September 25, 1989; amended at 16 Ill. Reg. 12565, effective July 27, 1992; amended at 17 Ill. Reg. 17220, effective September 27, 1993; amended at 22 Ill. Reg. ~~388~~ **388**, effective ~~7/1~~ **FEB 5 1998**.

**Section 1310.65 Fees**

The following fees shall be paid to the Department and are not refundable:

a) Application Fees.

- 1) The fee for application for a license as a nursing home administrator is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Physician's Assistants Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1350
- 3) Section Numbers: Adopted Action:  
1350.25 New Section
- 4) Statutory Authority: Physician's Assistants Practice Act [225 ILCS 95].
- 5) Effective Date of Amendments: 2/5/98
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: 2/4/98
- 9) Date Notice of Proposal Published in Illinois Register: October 31, 1997,  
at 21 Ill. Reg. 14162
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?  
No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 90-0061, effective December 30, 1997, includes the reauthorization of the Physician's Assistants Practice Act. Among its changes was elimination of the statutory fee section, replacing it with fees set by administrative rule. There have been no changes from the statutory fees for application or renewal of licenses. However, a processing fee has been changed from \$10 to \$20.
- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0813 Fax #: 217/782-7645

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- 2) The application fee for a license as a nursing home administrator certified or licensed under the laws of another jurisdiction is \$150.
  - 3) The application fee for a temporary license as provided for in the Act is \$75.
  - 4) The application fee for a continuing education sponsor is \$500. State agencies, State colleges and State universities in Illinois shall be exempt from this fee.
- b) Renewal Fees.
- 1) The fee for the renewal of a license shall be calculated at the rate of \$50 per year.
  - 2) The fee for renewal as a continuing education sponsor shall be calculated at the rate of \$250 per year.
- c) General Fees.
- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
  - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license which has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
  - 3) The fee for a certification of a licensee's record for any purpose is \$20.
  - 4) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20, plus any fee charged by the testing service.
  - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.
  - 6) The fee for a roster of persons licensed as nursing home administrators in this State shall be the actual cost of producing such a roster.

(Source: Added at 22 Ill. Reg. 388, effective  
FEB 5 1998)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1350  
PHYSICIAN ASSISTANT PRACTICE ACT  
OF 1987

Section	
1350.10	Statutory Authority (Repealed)
1350.20	Definitions
1350.25	Fees
1350.30	Approved Programs
1350.40	Application for Licensure
1350.50	Temporary Certificate
1350.60	Identification
1350.70	Permitted Tasks (Repealed)
1350.80	Supervision of Performance
1350.90	Scope and Function
1350.100	Notification of Employment
1350.110	Employment by a Professional Corporation or Partnership
1350.115	Renewals
1350.116	Restoration
1350.117	Endorsement
1350.120	Granting Variances

AUTHORITY: Implementing Section 9 of the Physician Assistant Practice Act of 1987 [225 ILCS 95/9] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 34, p. 200, effective August 13, 1980; codified at 5 Ill. Reg. 11051; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 8 Ill. Reg. 3027, effective February 29, 1984; transferred from Chapter I, 68 Ill. Adm. Code 350 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1350 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2960; amended at 18 Ill. Reg. 18046, effective December 12, 1994; amended at 22 Ill. Reg. **3891**, effective **FEB 5 1996**.

## Section 1350.25 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees.  
The fee for application for a license as a physician assistant is \$50.
- b) Renewal Fees.



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

The fee for the renewal of a license shall be calculated at the rate of \$40 per year.

c)

- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license which has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.
- 5) The fee for a roster of persons licensed as physician assistants in this State shall be the actual cost of producing such a roster.

(Source: Added at 22 Ill. Reg. 3891 - 2, effective

**FEB 5 1998**)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Nursing Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1300
- 3) Section Numbers: Adopted Action:  
1300.15 New Section
- 4) Statutory Authority: Illinois Nursing Act of 1987 [225 ILCS 65].
- 5) Effective Date of Amendments: February 5, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 4, 1998
- 9) Date Notice of Proposal Published in Illinois Register: November 7, 1997, at 21 Ill. Reg. 14498
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?  
No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 90-0061, effective December 30, 1997, includes the reauthorization of the Illinois Nursing Act of 1987. Among its changes was elimination of the statutory fee section, replacing it with fees set by administrative rule. There have been no changes from the statutory fees for application or renewal of licenses. However, various processing and other general fees have been changed from \$15 to \$20.
- 16) Information and questions regarding this amended part shall be directed to:  
Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0813 Fax #: 217/782-7645

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1300

## THE ILLINOIS NURSING ACT OF 1987

Section	
1300.10	Definitions
1300.15	Fees
1300.20	Application for Examination
1300.25	The Licensure Examination
1300.27	Application for Licensure on the Basis of Examination
1300.30	Licensure by Endorsement
1300.40	Approval of Programs
1300.41	Approval of Current Nursing Practice Update Course
1300.42	Standards of Professional Conduct for Registered Professional Nurses
1300.43	Standards of Professional Conduct for Licensed Practical Nurses
1300.44	Standards for Pharmacology/Administration of Medication Course for Practical Nurses
1300.45	Renewals
1300.48	Restoration
1300.50	Granting Variances
1300.60	Practice of Nursing
1300.70	Fines

**AUTHORITY:** Implementing the Illinois Nursing Act of 1987 [225 ILCS 65] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

**SOURCE:** Adopted at 4 Ill. Reg. 4, p. 290, effective January 14, 1980; amended at 5 Ill. Reg. 801, effective January 7, 1981; codified at 5 Ill. Reg. 11044; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10023, effective August 1, 1982; amended at 9 Ill. Reg. 6297, effective April 24, 1985; amended at 9 Ill. Reg. 13355, effective August 21, 1985; amended at 11 Ill. Reg. 18251, effective October 27, 1987; transferred from Chapter VII, 11 Ill. Adm. Code 300 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1300 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2938; amended at 12 Ill. Reg. 12088, effective July 12, 1988; amended at 14 Ill. Reg. 10035, effective June 12, 1990; emergency amendment at 15 Ill. Reg. 2855, effective February 5, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 8573, effective May 28, 1991; amended at 17 Ill. Reg. 1572, effective January 25, 1993; amended at 19 Ill. Reg. 13552, effective September 19, 1995; amended at 22 Ill. Reg. 3895, effective

**FEB 5 1998**

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

1) Heading of the Part: Children's Respite Care Center Demonstration Program

Section 1300.15 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees. The fee for application for a license as a registered professional nurse and a licensed practical nurse is \$50. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- b) Renewal Fees. The fee for the renewal of a license shall be calculated at the rate of \$20 per year.
- c) General Fees.

- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$125.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license which has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.
- 6) The fee for a roster of persons licensed as registered professional nurses or licensed practical nurses in this State shall be the actual cost of producing such a roster.

(Source: Added at 22 Ill. Reg. 3895, effective

FEB 5 1998

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

2) Code Citation: 77 Ill. Adm. Code 260

Section Numbers:	Adopted Action:
260.1000	New Section
260.1050	New Section
260.1100	New Section
260.1200	New Section
260.1300	New Section
260.1400	New Section
260.1500	New Section
260.1600	New Section
260.1700	New Section
260.1800	New Section
260.1900	New Section
260.2000	New Section
260.2100	New Section
260.2200	New Section
260.2300	New Section
260.2400	New Section
260.2500	New Section

4) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]

5) Effective Date of Rules: February 20, 1998

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain Any Incorporations By Reference? Yes

8) Date Filed in Agency's Principal Office: February 20, 1998

9) Date Notice(s) of Proposal was Published in Illinois Register: April 11, 1997 - 21 Ill. Reg. 4373

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No

11) Difference Between Proposal and Final Version: The following changes were made in response to comments received during the first notice or public comment period:

No changes were made.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED RULES

No changes were requested.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Rules:

This rulemaking implements Section 35 of the Alternative Health Care Delivery Act [210 ILCS 3], which requires the Department to establish a demonstration project to evaluate Children's Respite Care Centers as an alternative health care delivery model. These centers will provide short term (up to 14 days) respite care in a homelike environment to medically frail, technologically dependent, clinically stable children. In addition, these centers will provide hospital to home training for families and caregivers; short term transitional care to facilitate placement and training for foster care parents; and parent and family support groups.

No more than eight Children's Respite Centers shall be selected by the Health Facilities Planning Board to participate in the demonstration project. The locations of these centers shall be geographically distributed across the State.

This rulemaking establishes a license application process, defines the obligations and privileges of centers, and establishes the Department's inspection and enforcement procedures. Children's Respite Centers are required to establish policies, procedures and admission practices. Standards for assuring children's rights and services, administering medication, and establishing a quality assurance program are included. Food service, physical plant and personnel requirements are also addressed.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, Fifth Floor

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED RULES

Springfield, Illinois 62761  
217/782-2043.

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED RULES

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to patients or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

Act - the Alternative Health Care Delivery Act [210 ILCS 3].

Affiliate - means:

With respect to a partnership, each partner thereof;

With respect to a corporation, each officer, director and stockholder thereof;

With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder.

Board - the State Board of Health. (Section 10 of the Act)

Charitable Care - the intentional provision of free or discounted services to persons who cannot afford to pay.

Children's Representative - a person authorized by the law to act on behalf of the child.

Children's Respite Care Center - a designated site that provides respite for medically frail, technologically dependent, clinically stable children, up to age 18, for a period of one to 14 days in a home-like environment that serves no more than 10 children at a time. (Section 35(3) of the Act)

Demonstration Program or Program - a program to license and study alternative health care models authorized under the Act. (Section 10

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 260  
CHILDREN'S RESPITE CARE CENTER DEMONSTRATION PROGRAM CODE

- Section 260.1000 Definitions
- 260.1050 Incorporated and Referenced Materials
- 260.1100 Demonstration Program Elements
- 260.1200 Application for and Issuance of a License to Operate a Children's Respite Care Center Model
- 260.1300 Obligations and Privileges of Children's Respite Care Center Models
- 260.1400 Inspections and Investigations
- 260.1500 Notice of Violation and Plan of Correction
- 260.1600 Adverse Licensure Action
- 260.1700 Policies and Procedures
- 260.1800 Admission Practices
- 260.1900 Child's Rights
- 260.2000 Child Care Services
- 260.2100 Medication Administration
- 260.2200 Personnel
- 260.2300 Food Service
- 260.2400 Physical Plant
- 260.2500 Quality Assessment and Improvement

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3].

SOURCE: Adopted at 22 Ill. Reg. 3899, effective

FEB 20 1998

Section 260.1000 Definitions

The following terms shall have the meanings ascribed to them here whenever the term is used in this Part.

Abuse - any physical or mental injury or sexual assault inflicted on a patient other than by accidental means in a facility.

Abuse means:

Physical abuse refers to the infliction of injury on a patient that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED RULES

of the Act)

Department - the *Illinois Department of Public Health*. (Section 10 of the Act)

Dietician - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Director - the *Director of Public Health* or designee. (Section 10 of the Act)

Hospital - a facility licensed pursuant to the Hospital Licensing Act [210 ILCS 85].

Inspection - any survey, evaluation or investigation of the Children's Respite Care Center Model's compliance with the Act and this Part by the Department or designee.

Licensee - the person or entity licensed to operate the Children's Respite Care Center Model.

Neglect - a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a patient or in the deterioration of a patient's physical or mental condition. This shall include any allegation where:

the alleged failure causing injury or deterioration is ongoing or repetitious; or  
a patient required medical treatment as a result of the alleged failure; or

the failure is alleged to have caused a noticeable negative impact on a patient's health, behavior or activities for more than 24 hours.

Physician - a person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 60].

Registered Nurse - a person who is licensed as a registered

## DEPARTMENT OF PUBLIC HEALTH

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professional nurse under the Illinois Nursing Act of 1987 [225 ILCS 65].

Substantial Compliance - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 260.1200.

**Section 260.1050 Incorporated and Referenced Materials**

a) The following Illinois statutes and administrative rules of the Department of Public Health are referenced in this Part.

1) State of Illinois Statutes:

- A) Hospital Licensing Act [210 ILCS 85]
- B) Illinois Health Facilities Planning Act [20 ILCS 3906]
- C) Medical Practice Act of 1987 [225 ILCS 60]
- D) Illinois Nursing Act of 1987 [225 ILCS 65]

2) Department of Public Health Administrative rules:

- A) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- B) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
- C) Food Service Sanitation Code (77 Ill. Adm. Code 750)
- D) Drinking Water Systems Code (77 Ill. Adm. Code 900)
- E) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
- F) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
- G) Control of Tuberculosis Code (77 Ill. Adm. Code 696)

b) The following private and professional association standards are incorporated in this Part:

National Fire Protection Association (NFPA) standard No. 101: Life Safety Code, 1994 edition, chapter 23, "Existing Residential Board and Care Occupancies, Impractical", which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269.

c) All incorporations by reference of the standards of nationally recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.

**Section 260.1100 Demonstration Program Elements**

a) The Children's Respite Care Center Demonstration Program shall be reviewed annually by the Board to determine if it should continue operation for a period of up to five years, commencing with the effective date of this part.

b) A Children's Respite Care Center Model shall be licensed pursuant to this part to be considered a participant in the Program.

c) Applications for participation in the Program shall be considered only



DEPARTMENT OF PUBLIC HEALTH  
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Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to patients or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

Act - the Alternative Health Care Delivery Act [210 ILCS 3].

Affiliate - means:

With respect to a partnership, each partner thereof;

With respect to a corporation, each officer, director and stockholder thereof;

With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder.

Board - the State Board of Health. (Section 10 of the Act)

Charitable Care - the intentional provision of free or discounted services to persons who cannot afford to pay.

Children's Representative - a person authorized by the law to act on behalf of the child.

Children's Respite Care Center - a designated site that provides respite for medically frail, technologically dependent, clinically stable children, up to age 18, for a period of one to 14 days in a home-like environment that serves no more than 10 children at a time. (Section 35(3) of the Act)

Demonstration Program or Program - a program to license and study alternative health care models authorized under the Act. (Section 10

DEPARTMENT OF PUBLIC HEALTH  
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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 260

CHILDREN'S RESPITE CARE CENTER DEMONSTRATION PROGRAM CODE

- Section 260.1000 Definitions
- 260.1050 Incorporated and Referenced Materials
- 260.1100 Demonstration Program Elements
- 260.1200 Application for and Issuance of a License to Operate a Children's Respite Care Center Model
- 260.1300 Obligations and Privileges of Children's Respite Care Center Models
- 260.1400 Inspections and Investigations
- 260.1500 Notice of Violation and Plan of Correction
- 260.1600 Adverse Licensure Action
- 260.1700 Policies and Procedures
- 260.1800 Admission Practices
- 260.1900 Child's Rights
- 260.2000 Child Care Services
- 260.2100 Medication Administration
- 260.2200 Personnel
- 260.2300 Food Service
- 260.2400 Physical Plant
- 260.2500 Quality Assessment and Improvement

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3].

SOURCE: Adopted at 22 Ill. Reg. 3899, effective

FEB 20 1998

Section 260.1000 Definitions

The following terms shall have the meanings ascribed to them here whenever the term is used in this Part.

Abuse - any physical or mental injury or sexual assault inflicted on a patient other than by accidental means in a facility.

Abuse means:

Physical abuse refers to the infliction of injury on a patient that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

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of the Act)

Department - the *Illinois Department of Public Health*. (Section 10 of the Act)

Dietician - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Director - the *Director of Public Health* or designee. (Section 10 of the Act)

Hospital - a facility licensed pursuant to the Hospital Licensing Act [210 ILCS 85].

Inspection - any survey, evaluation or investigation of the Children's Respite Care Center Model's compliance with the Act and this Part by the Department or designee.

Licensee - the person or entity licensed to operate the Children's Respite Care Center Model.

Neglect - a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a patient or in the deterioration of a patient's physical or mental condition. This shall include any allegation where:

the alleged failure causing injury or deterioration is ongoing or repetitious; or

a patient required medical treatment as a result of the alleged failure; or

the failure is alleged to have caused a noticeable negative impact on a patient's health, behavior or activities for more than 24 hours.

Physician - a person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 60].

Registered Nurse - a person who is licensed as a registered

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professional nurse under the Illinois Nursing Act of 1987 [225 ILCS 65].

Substantial Compliance - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 260.1200.

## Section 260.1050 Incorporated and Referenced Materials

a) The following Illinois statutes and administrative rules of the Department of Public Health are referenced in this Part.

1) State of Illinois Statutes:

- A) Hospital Licensing Act [210 ILCS 85]
- B) Illinois Health Facilities Planning Act [20 ILCS 3906]
- C) Medical Practice Act of 1987 [225 ILCS 60]
- D) Illinois Nursing Act of 1987 [225 ILCS 65]

2) Department of Public Health Administrative rules:

- A) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- B) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
- C) Food Service Sanitation Code (77 Ill. Adm. Code 750)
- D) Drinking Water Systems Code (77 Ill. Adm. Code 900)
- E) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
- F) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
- G) Control of Tuberculosis Code (77 Ill. Adm. Code 696)

b) The following private and professional association standards are incorporated in this Part:

National Fire Protection Association (NFPA) standard No. 101: Life Safety Code, 1994 edition, chapter 23, "Existing Residential Board and Care Occupancies, Impractical", which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269.

c) All incorporations by reference of the standards of nationally recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.

## Section 260.1100 Demonstration Program Elements

a) The Children's Respite Care Center Demonstration Program shall be reviewed annually by the Board to determine if it should continue operation for a period of up to five years, commencing with the effective date of this Part.

b) A Children's Respite Care Center Model shall be licensed pursuant to this Part to be considered a participant in the Program.

c) Applications for participation in the Program shall be considered only

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- 2) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey. The Department shall renew the license in accordance with subsection (d) of this Section.
- f) The Department may issue a provisional license to any Children's Respite Care Center Model that does not substantially comply with the provisions of the Act and this Part:
  - 1) A provisional license may be issued only if the Department finds that:
    - A) The Model has undertaken changes and corrections which upon completion will render the Model in substantial compliance with the Act; and
    - B) The health and safety of the patients in the Model will be protected during the period for which the provisional license is issued. (Section 30(c) of the Act)
  - 2) The Department shall advise the applicant or licensee of the conditions under which the provisional license is issued, including:
    - A) The manner in which the Model fails to comply with the provisions of the Act;
    - B) The changes and corrections that shall be completed;
    - C) The time within which the necessary changes and corrections shall be completed (Section 30(c) of the Act); and
    - D) The interim actions that are necessary to protect the health and safety of the patients.
  - g) The Children's Respite Care Center Model license or provisional license shall be prominently displayed in an area accessible to the public.

**Section 260.1300 Obligations and Privileges of Children's Respite Care Center Models**

- a) Children's Respite Care Center Models shall, within 30 days after licensure, seek certification under Titles XVIII and XIX of the federal Social Security Act. (Section 30(d) of the Act) Coverage for services provided by the Illinois Department of Public Aid is contingent upon federal waiver approval and is provided only to Medicaid eligible clients participating in the Home and Community Based Services waiver designated in Section 1915(c) of the Social Security Act for medically frail and technologically dependent children. (Section 35(3) of the Act)
- b) Children's Respite Care Center Models shall provide charitable care consistent with that provided by comparable health care providers in the geographic area. (Section 30(d) of the Act)
- c) A licensed Children's Respite Care Center Model that continues to be in substantial compliance after the conclusion of the demonstration program shall be eligible for annual license renewals unless and until a different licensure program for that type of health care model is

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- when a vacancy exists in one of the allocated Program slots for the relevant geographic area.
- d) At the midpoint and end of the Program, the Board shall evaluate and make recommendations to the Governor and the General Assembly, through the Department, regarding the Program, in accordance with Section 20(b) of the Act.
  - e) The Department shall deposit all application fees, renewal fees and fines collected under the Act and this Part into the Regulatory Evaluation and Basic Enforcement Fund in the State Treasury. (Section 25(d) of the Act)

**Section 260.1200 Application for and Issuance of a License to Operate a Children's Respite Care Center Model**

- a) Applications for a license to operate a Children's Respite Care Center Model shall be in writing on forms provided by the Department. The application shall be made under oath and shall contain the following:
  - 1) proof of a Certificate of Need to establish and operate a Children's Respite Care Center Model issued by the Health Facilities Planning Board under the Illinois Health Facilities Planning Act [20 ILCS 3960];
  - 2) The name of the proposed Model;
  - 3) The address of the proposed Model;
  - 4) A precise description of the site of the proposed Model;
  - 5) The maximum occupancy of the Model;
  - 6) The name and address of the registered agent or other individual authorized to receive Service of Process for the Model license;
  - 7) The name of the person or persons under whose management or supervision the facility will be operated;
  - 8) Documentation of compliance with Section 260.2300 of this Part; and
  - 9) The Model's admission policies and procedures in accordance with Section 260.1800 of this Part.
- b) An application for initial licensure shall be accompanied by an application fee of \$500 plus \$100 for each bed.
- c) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.
- d) If the proposed Model is found to be in substantial compliance with the Act and this Part, the Department shall issue a license for a period of one year. The license shall not be transferable; it is issued to the licensee and for the specific location and number of beds identified in the application.
- e) An application for license renewal shall be filed with the Department 90 to 120 days prior to the expiration of the license, on forms provided by the Department.
  - 1) The renewal application shall comply with the requirements of subsections (a) and (b) of this Section; and



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- established by legislation. (Section 30(c) of the Act)
- d) Each Children's Respite Care Center Model shall be a facility physically separate and apart from any other facility licensed by the Department of Public Health. (Section 35(3) of the Act)
  - e) At a minimum, Children's Respite Care Center Models shall provide out-of-home respite care; hospital to home training for families and caregivers; short term transitional care to facilitate placement and training for foster care parents; and parent and family support groups. (Section 35(3) of the Act)

**Section 260.1400 Inspections and Investigations**

- a) The Department shall perform licensure inspections of Children's Respite Care Center Models, as deemed necessary, to ensure compliance with the Act and this Part. (Section 25(c) of the Act)
- b) All facilities to which this Part applies shall be subject to and shall be deemed to have given consent to all inspections by properly identified personnel of the Department, or by other such properly identified persons as the Department might designate. In addition, representatives of the Department shall have access to and may reproduce or photocopy any books, records and other documents maintained by the facility or the licensee to the extent necessary to carry out the Act and this Part.
- c) The Department shall investigate an applicant or licensee whenever it receives a verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for the denial of an application for a license, refusal to renew a license, or suspension or revocation of a license. (Section 50 of the Act)
- d) The Department may also investigate an applicant or licensee on its own motion or based upon complaints received by mail, telephone or in person. (Section 50 of the Act)

**Section 260.1500 Notice of Violation and Plan of Correction**

- a) Upon determination that the licensee or applicant is in violation of the Act or this Part, the Department shall issue a written Notice of Violation and request a plan of correction. The notice shall specify the violations, and shall instruct the licensee or applicant to submit a plan of correction to the Department within 10 days after receipt of the Notice.
- b) Within the ten-day period, a licensee or applicant may request additional time for submission of the plan of correction. The Department may extend the period for submission of the plan of correction for an additional 30 days, when the Department finds that corrective action by a facility to abate or eliminate the violation will require substantial capital improvement. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of

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- the patients of the facility in determining whether to grant a requested extension.
- c) Each plan of correction shall be based on an assessment by the facility of the conditions or occurrences that are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each plan of correction shall include:
    - 1) A description of the specific corrective action the facility is taking, or plans to take, to abate, eliminate, or correct the violation cited in the Notice.
    - 2) A description of the steps that will be taken to avoid future occurrences of the same and similar violations.
    - 3) A specific date by which the corrective action will be completed.
  - d) Submission of a plan of correction shall not be considered an admission by the facility that the violation has occurred.
  - e) The Department shall review each plan of correction to ensure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan only if it finds any of the following deficiencies:
    - 1) The plan does not appear to address the conditions or occurrences that are the basis of the violation and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences.
    - 2) The plan is not specific enough to indicate the actual actions the facility will be taking to abate, eliminate, or correct the violation.
    - 3) The plan does not provide for measures that will abate, eliminate, or correct the violation.
    - 4) The plan does not provide steps that will avoid future occurrences of the same and similar violations.
    - 5) The plan does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the patients, and the extent and complexity of the corrective action.
  - f) The Department shall notify the licensee or applicant in writing of the acceptance or rejection of the plan of correction, including specific reasons for the rejection of the plan. The facility shall have 10 days after receipt of notice of rejection in which to submit a modified plan that addresses the requirements of subsection (c) of this Section.
  - g) If a licensee or applicant fails to make a timely submission of a modified plan of correction, or such modified plan is not acceptable to the Department, a plan of correction shall be specified and imposed by the Department.
  - h) The Department shall verify the completion of the corrective action required by the plan of correction within the specified time period during subsequent investigations, surveys and evaluations of the

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facility.

**Section 260.1600 Adverse Licensure Action**

a) Before denying a license application, refusing to renew a license, suspending a license, revoking a license or assessing an administrative fine, the Department shall notify the applicant or the licensee in writing. The notice shall specify the charges or reasons for the Department's contemplated action, and shall provide an opportunity to file a request for a hearing within 10 days after receiving the notice. (Section 50 of the Act)

1) A failure to request a hearing within 10 days shall constitute a waiver of the applicant's or licensee's right to a hearing. (Section 50 of the Act)

2) The hearing shall be conducted by the Director or an individual designated in writing by the Director as an Administrative Law Judge, and shall be conducted in conformance with the Department's Rules of Practice and Procedure in Administrative Hearings and the Act. (Section 55 of the Act)

b) A license may be denied, suspended, or revoked, or the renewal of a license may be denied or an administrative fine assessed, for any of the following reasons:

1) Violation of any provision of the Act or this Part;

2) Conviction of the owner or operator of the Children's Respite Care Center Model of a felony or of any other crime under the laws of any state or of the United States arising out of, or in connection with, the operation of a health care facility. The record of conviction or a certified copy of it shall be conclusive evidence of conviction;

3) An encumbrance on a health care license issued in Illinois or any other state to the owner or operator of the Children's Respite Care Center Model;

4) Revocation of any facility license issued by the Department during the previous five years or surrender or expiration of the license during the pendency of action by the Department to revoke or suspend the license during the previous five years if:

A) The prior license was issued to the individual applicant or a controlling owner or controlling combination of owners of the applicant; or

B) Any affiliate or the individual applicant or controlling owner of the applicant or affiliate of the applicant was a controlling owner of the prior license. (Section 45 of the Act)

c) An action to assess an administrative fine may be initiated in conjunction with or in lieu of other adverse licensure action.

d) The amount of an administrative fine shall be determined based on consideration of the following:

1) The nature and severity of the violation(s);

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- 2) The facility's diligence in correcting the violation(s);
- 3) Whether the facility had been previously cited for similar violation(s);
- 4) The number of violation(s);
- 5) The duration of uncorrected violation(s); and
- 6) The impact or potential impact of the violation(s) on the children's health and safety.

e) The administrative fine shall be calculated in relation to the number of days the violation existed, or continues to exist if it has not been corrected. The total amount of the fine assessed shall fall within the following parameters:

- 1) For a violation that occurred as a single event or incident--between \$100 and \$5,000 per violation;
- 2) For a violation that was or is continuing beyond a single event or incident--between \$100 and \$500 per day per violation.

**Section 260.1700 Policies and Procedures**

a) The facility shall have policies and procedures that implement and are consistent with the provisions of this Part.

b) The facility shall have infection control policies and procedures, which shall include at least the following:

- 1) Compliance with the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690);
- 2) The use of universal precautions and isolation techniques;
- 3) A continuing program of instruction for all personnel on the mode of spread of infections; and
- 4) Posted handwashing techniques.

c) The facility shall provide for the registration and disposition of complaints without threat of discharge or other reprisal against any employee, volunteer, child or child's representative.

d) The facility shall have policies covering disaster preparedness, including a written plan for staff and children to follow in case of fire, explosion, severe weather or other hazardous circumstance or emergency.

- 1) All personnel shall be trained in the proper use of a fire extinguisher.
- 2) All personnel shall be trained in the evacuation plan.

e) The facility shall develop, with the approval of the medical director, policies and procedures to be followed during various medical emergencies. The types of medical emergencies addressed should be based on the needs of the children being served and may include, but are not limited to, foreign body aspiration, poisoning, allergic reactions, asthma, convulsions, insulin shock, and acute respiratory distress.

**Section 260.1800 Admission Practices**

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- a) The facility shall establish admission criteria that provide for:
- 1) The admission of children for no more than 14 days;
  - 2) The admission of children whose service plan can be met by the facility; and
  - 3) The nondiscrimination of children or their families based on disability, race, religion, sex, source of payment, and any other basis recognized by applicable State and federal laws.
- b) At the time each child is admitted, the licensee must assure that the facility has conducted an assessment and has a service plan to meet the child's needs. A service plan shall consist of at least the following:
- 1) Provided by the parent or child's representative:
    - A) a description of the child's usual routine,
    - B) the child's food preferences,
    - C) the child's allergies, if any,
    - D) instructions for the child's personal care,
    - E) information on the child's educational program, if applicable,
    - F) an emergency phone number where the parents, guardian or other responsible person can be contacted during the child's stay,
    - G) any other information that will help the child's stay to be safe and enjoyable.
  - 2) Provided by a physician:
    - A) medication orders, if any,
    - B) treatments, if any,
    - C) nursing orders, if any,
    - D) any activity restrictions,
    - E) documentation of the child's current immunization status,
    - F) any other information that will help the child's stay to be safe and enjoyable.
- c) Only those children shall be admitted for whom the facility has the trained personnel, equipment, and supplies to meet the service plan.
- d) A personal physician shall be identified for each child admitted. The service plan shall document the method for contacting this physician at any time.

**Section 260.1900 Child's Rights**

- a) A child shall not be deprived of any rights, benefits, or privileges guaranteed by law based solely on his/her status as a patient of the facility.
- b) A child shall be permitted to retain and use or wear his/her personal property in his/her immediate living quarters unless deemed medically inappropriate or socially disruptive by a physician and so documented in the patient's record.
- c) The facility shall make reasonable efforts to prevent loss and theft of children's property. The facility shall develop procedures for

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- investigating complaints concerning theft of children's property and shall promptly investigate all such complaints.
- d) Children under 16 years of age who are related to employees or volunteers of a facility, and who are not themselves employees/volunteers of the facility, shall be restricted to quarters reserved for family or employee use except during times when such children are part of a group visiting the facility as part of a planned program, or similar activity.
  - e) A child shall be permitted the free exercise of religion. Upon the child's request, and if necessary at his/her expense, the facility management shall make arrangements for a child's attendance at religious services of the child's choice. However, no religious beliefs or practices, or attendance at religious services, may be imposed upon any child.
  - f) The facility shall notify the child's parent or child's representative whenever the child suffers from a sudden illness or accident, or if and when unexplained absences occur.
  - g) A child may not be transferred, discharged, evicted, harassed, dismissed or retaliated against for filing a complaint or providing information concerning a complaint against the facility.
  - h) A child shall be permitted to retain the services of his/her own personal physician at his/her own expense, under an individual or group plan of health insurance, or under any public or private assistance program providing such coverage.
  - i) No child shall be subjected to experimental research or treatment without first obtaining his/her parent's, or his/her representative's, informed written consent. The experimental research/treatment shall be part of the child's service plan.
  - j) Every child's representative shall be permitted to refuse medical treatment for the child and to know the consequences of such action.
  - k) Every child or child's representative shall be permitted to inspect and copy all of the child's clinical and other records concerning the child's care and maintenance kept by the facility or by the child's physician.
  - l) All children shall be permitted respect and privacy in their medical and personal care program. Every child's case discussion, consultation, examination and treatment shall be confidential and shall be conducted discreetly. Those persons not directly involved in the child's care must have the permission of the child's representative to be present.
  - m) Neither physical restraints nor confinements shall be employed for the purpose of punishment or for the convenience of any facility personnel or volunteer. High chairs, playpens, cribs or youth beds are not restraints for children less than 4 years old.
  - n) Restraints shall be used only for the safety and security of the child upon written order of the attending physician and with the informed consent of the child's representative. The physician's written authorization shall specify the precise time periods and conditions in



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which any restraints or confinements shall be employed. The reasons for ordering and using restraints shall be recorded in the child's service plan.

o) The facility management shall ensure that children may have private visits at any reasonable hour unless such visits are not medically advisable for the child or are contrary to the directions of the child's representative as documented in the child's service plan. The facility shall allow daily visiting. Visiting hours shall be posted in plain view of visitors. The facility management shall ensure that space for visits is available and that facility personnel knock, except in an emergency, before entering any child's room.

p) No visitor shall enter the immediate living area of any child without first identifying himself/herself and then receiving permission from the child to enter. The rights of other children present in the room shall be respected. Facility staff may terminate visits or provide other accommodations for the visit if they are so requested by the child, or the visitor is involved in behavior violating other children's rights.

q) A child shall be voluntarily discharged from a facility after the child's representative gives facility management, a physician, or a nurse of the facility written notice of the desire to be discharged. A child shall be discharged upon written consent of the child's representative unless there is a court order to the contrary. In such cases, upon the child's discharge, the facility is relieved of any responsibility for the child's care, safety or well-being.

r) The facility shall establish involuntary discharge procedures in accordance with subsection (s) of this Section, which shall include at least the following:

- 1) Child's behavior that may result in involuntary discharge;
- 2) Child's decline in medical condition that may result in involuntary discharge;
- 3) Child, parent, and child's representative counseling that may be provided to avoid involuntary discharge;
- 4) Child's parent and child's representative notification concerning involuntary discharge; and
- 5) Time frames between counseling, notice, and involuntary discharge.

s) A facility may involuntarily transfer or discharge a child only for one or more of the following reasons:

- 1) The child's medical condition;
- 2) The child's physical safety; and
- 3) The child's action that directly impinges on the physical safety of other children, the facility staff or facility visitors.

t) A licensee, facility manager, employee, volunteer or agent of a facility shall not abuse or neglect a child.

u) A facility employee, agent or volunteer who becomes aware of abuse or neglect of a child shall immediately report the matter to the facility manager or designee.

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v) Upon becoming aware of abuse or neglect, the facility manager or designee shall immediately report the matter by telephone and in writing to the child's representative and the Department.

**Section 260.2000 Child Care Services**

a) The licensee shall provide services as necessary to implement and support the child's service plan and overall needs, including provisions for:

- 1) Case management;
  - 2) Fostering maximum independence of the child; and
  - 3) Protection of the child's rights, privacy and dignity.
- b) The licensee shall have one or more transfer agreements with hospitals to provide emergency care to children.
- c) The licensee shall provide recreational and leisure activities for children during their stay.
- d) A written summary of the child's stay shall be sent home with each child. The summary shall contain documentation of any extreme (positive or negative) occurrences and any information that will increase continuity of services.
- e) All information related to the child, the child's representative or the child's service plan is confidential and shall be accessible only to those individuals who need the information to assure appropriate service delivery.

**Section 260.2100 Medication Administration**

a) Except for medications allowed in subsection (b) of this Section, the only medications allowed in the facility are those for particular individual children. The medication of each child shall be kept and stored in the original container received from the pharmacy.

- 1) Each multidose medication container shall indicate the child's name, physician's name, prescription number, name, strength and quantity of drug, date this container was last filled, the initials of the pharmacist filling the prescription, the identity of the pharmacy, the refill date and any necessary special instructions.

- 2) Each single unit or unit dose package shall contain the proprietary and nonproprietary name of the drug and the strength of the dose. The name of the child and the physician do not have to be on the label of the package, but they must be identified with the package in such a manner as to assure that the drug is administered to the correct resident.

b) A facility may stock a small supply of medications regularly available without prescription at a commercial pharmacy, such as: noncontrolled cough syrups, laxatives, and analgesics. These shall be given to a child only upon the order of a physician.

c) The facility shall have a first aid kit that contains items

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- appropriate to treat minor cuts, burns, abrasions, etc.
- d) All medications shall be properly stored in a secured location not accessible to unauthorized individuals.
  - e) All medications shall be sent home with the child for whom the medication was prescribed.

**Section 260.2200 Personnel**

- a) Each facility shall develop and maintain written personnel policies, which are followed in the operation of the facility.
- b) Each employee shall have an initial health evaluation, which shall be used to ensure that employees are not placed in positions that would pose undue risk of infection to themselves, other employees, children or visitors.
  - 1) The initial health evaluation shall be completed not more than 30 days prior to nor 30 days after the employee's first day of employment.
  - 2) The initial health evaluation shall include a health inventory from the employee, including an evaluation of the employee's immunization status.
  - 3) The initial health evaluation shall include tuberculin testing in accordance with the Department's rules entitled "Control of Tuberculosis Code" (77 Ill. Adm. Code 696).
- c) The licensee shall provide adequate, properly trained and supervised staff to meet each child's service plan.
- d) The licensee shall designate a facility manager.
- e) There shall be at least one registered nurse at the facility at all times that a child is present. At least one other staff person shall be present at the facility at all times that a child is present.
- f) The facility shall have a medical director who is a physician with expertise in chronic diseases of children. The medical director shall have responsibilities for reviewing medical protocols, resolving issues with children's personal physicians and providing medical advice when a child's personal physician is not available.
- g) The licensee shall define, through job descriptions, minimum education and experience requirements for all staff, consultants and contract staff providing services to the Children's Respite Care Center Model.
- h) The licensee shall provide an initial orientation and routine, pertinent training to all staff. This training may include return demonstration, one-on-one training, small group exercises or lecture. All training shall be documented with:
  - 1) date;
  - 2) instructor(s);
  - 3) short description of content; and
  - 4) participants' written and printed signatures.

**Section 260.2300 Food Service**

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- a) At least three meals a day shall be served. Every effort shall be made to meet dietary patterns that are routine to an individual child as described in the service plan.
- b) Snacks shall be offered between meals and at bedtime.
- c) If a child refuses the food served, reasonable and nutritionally appropriate substitutions shall be served.
- d) Menus shall be planned at least one week in advance. All menus, as actually served, shall be kept on file for not less than 30 days.
- e) Supplies of staple foods for a minimum of one week and of perishable foods for a minimum of two days shall be maintained on the premises.
- f) All food served shall be prepared in accordance with the Department's rules entitled "Food Service Sanitation Code" (77 Ill. Adm. Code 750).

**Section 260.2400 Physical Plant**

- a) Buildings shall meet the requirements established in the National Fire Protection Association Standard 101, Life Safety Code, 1994 edition, Chapter 23, "Existing Residential Board and Care Occupancies, Impractical", and other referenced chapter requirements.
- b) Buildings shall be only one story in height or if a building has multiple stories, children shall be served only on the main story.
- c) Children over six years of age occupying the same bedroom shall be of the same gender unless the children are siblings.
- d) An individual shall not need to go through a child's bedroom to reach any other area of the building.
- e) The facility shall be kept in a clean, safe, and orderly condition and in good repair.
  - 1) Electrical, mechanical, heating/air conditioning, fire protection and sewage disposal systems shall be maintained.
  - 2) Furnishings and furniture shall be maintained in a clean, safe condition.
  - 3) Attics, basements, stairways, and similar areas shall be kept free of accumulation of refuse, newspapers, boxes, and other items.
  - 4) Bathtubs, shower stalls and lavatories shall not be used for janitorial, laundry or storage purposes.
  - 5) All cleaning compounds, insecticides and all other potentially hazardous compounds or agents shall be stored in locked cabinets or rooms.
- f) Every facility shall have an effective means of supplying clean linen.
  - 1) Clean linen shall be protected from contamination during handling, transport and storage.
  - 2) Soiled linen shall be handled, transported and stored in a manner that protects individuals and the environment from contamination. Soiled diapers shall be placed in special diaper receptacles immediately after removal from the patient.
- g) Each child shall be provided with a bed that meets his/her developmental needs and size.

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- h) The water supply shall comply with all applicable State codes and local ordinances. Each facility shall be served by:
- 1) Water from a municipal water system; or
  - 2) A water supply that complies with the Department's rules entitled "Drinking Water Systems Code" (77 Ill. Adm. Code 900); or
  - 3) A water supply that complies with the Department's rules entitled "Public Area Sanitary Practice Code" (77 Ill. Adm. Code 895).
- i) All sewage and liquid wastes shall be discharged into a public sewage disposal system; or shall be collected, treated, and disposed of in a private sewage disposal system that is designed, constructed, maintained and operated in accordance with the Department's rules entitled "Private Sewage Disposal Code" (77 Ill. Adm. Code 905).

**Section 260.2500 Quality Assessment and Improvement**

- a) The licensee shall develop and implement a quality assessment and improvement program designed to meet at least the following goals:
- 1) Ongoing monitoring and evaluation of the quality and accessibility of care and services provided at the facility or under contract, including but not limited to:
    - A) Admission of children appropriate to the capabilities of the facility;
    - B) Client satisfaction;
    - C) Costs for delivery of services; and
    - D) Infection control and safety.
  - 2) Identification and analysis of problems.
  - 3) Identification and implementation of corrective action or changes in response to problems.
- b) The program shall operate pursuant to a written plan, which shall include, but not be limited to:
- 1) A detailed statement of its goals;
  - 2) The methodology and criteria that will be used to meet each stated goal;
  - 3) The action plans for addressing problems;
  - 4) Procedures for evaluating the effectiveness of action plans and revising action plans to prevent reoccurrence of problems;
  - 5) Procedures for documenting the activities of the program; and
  - 6) Identification of the persons responsible for administering the program.
- c) The licensee shall afford the Department and the Board access to any materials or documents generated pursuant to the facility's quality assessment and improvement program or that otherwise relate to client demand, utilization and satisfaction; cost effectiveness; financial viability of the facility; and access to services. Such information shall be used by the Department and the Board to evaluate and assess the facility in relation to the Demonstration Program.

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- 1) Heading of the Part: Community Living Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 370
- 3) Section Numbers: Adopted Action:  
370.715 Amendments
- 4) Statutory Authority: Community Living Facilities Act [210 ILCS 35]
- 5) Effective Date of Rules: February 13, 1998
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain Any Incorporations By Reference? No
- 8) Date Filed in Agency's Principal Office: February 13, 1998
- 9) Date Notice(s) of Proposal was Published in Illinois Register: March 21, 1997 - 21 Ill. Reg. 3426
- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No
- 11) Difference Between Proposal and Final Version: The following changes were made in response to comments received during the first notice or public comment period:  
Add the following new subsection after line 408 and reletter the remaining subsections.

p) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1)-(16) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;



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4) a signed affidavit from the individual concerning the validity of the report; or

5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. In lines 255, 268, 324, 335, 343 and 356, strike the hyphen and add "to".

2. In line 365, change "of" to "after".

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Rules:

The rules in Part 370 regulate the licensure of Community Living Facilities under the Community Living Facilities Act (Act). The rules are being amended in response to P.A. 89-674 (S.B. 1544, effective August 14, 1996), which amended the Health Care Worker Background Check Act.

Section 370.715 is being amended to clarify the statutory references in the list of disqualifying crimes. The criminal background checks issued by the Illinois Department of State Police may have numbers corresponding to numbering systems in previous editions of the statutes, depending on when the conviction occurred. Citations have been added to assist employers in reading the background checks. The citations for theft (including retail theft), financial exploitation of an elderly or disabled person, robbery, and burglary have been separated to clarify that they are different crimes. The definition of "direct care" is amended to include language from P.A. 89-674. A definition of "initiate" is added. A new subsection (e) requires the facility to transmit all necessary information and fees to the State Police within 10 working days after receipt of an authorization to conduct a criminal background check, in accordance with P.A. 89-674. Also in accordance with the law, the time frame for

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requesting a waiver has been shortened from 30 days to 5 working days. A new subsection (1) states that the Department may accept the results of a fingerprint-based UCIA criminal records check if a person requesting a waiver has already had the fingerprint check done. Subsection (n) prohibits an individual from being employed in a direct care position during the pendency of a waiver request. The exemption from the law for students is clarified in subsection (q)(3). A new subsection (p) lists evidence that may be used to support an individual's claim that the name check is invalid. Facilities are required to retain the results of the background check and the waiver, if appropriate, for the duration of the individual's employment.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, IL 62761  
217/782-2043

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 370  
COMMUNITY LIVING FACILITIES CODE  
SUBPART A: GENERAL PROVISIONS

Section  
370.110 General Requirements  
370.120 Application for License  
370.130 Licensee  
370.140 Issuance of an Initial License for a New Facility  
370.150 Issuance of an Initial License Due to a Change of Ownership  
370.160 Issuance of a Renewal License  
370.170 Denial or Revocation  
370.180 Experimental Program Conflicting With Requirements  
370.190 Inspections  
370.200 Information to Be Made Available to the Public By the Licensee  
370.210 Ownership Disclosure  
370.220 Variances  
370.230 Alcoholism Treatment Programs In Community Living Facilities  
370.240 Definitions

SUBPART B: ADMINISTRATION

Section  
370.400 Administration

SUBPART C: POLICIES

Section  
370.510 Social and Vocational Training Program Policies  
370.520 Admission and Discharge Policies  
370.530 Agreement Between Resident and Facility  
370.540 General Policies  
370.550 Personnel Policies

SUBPART D: PERSONNEL

Section  
370.710 Personnel  
370.715 Health Care Worker Background Check  
370.720 Personnel Policies

SUBPART E: HEALTH MAINTENANCE SERVICES

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Section  
370.810 Medical Care Policies  
370.820 Communicable Disease Policies  
370.830 Behavior Emergencies  
370.840 Medication Policies

SUBPART F: PROGRAM SERVICES

Section  
370.1010 Program Evaluation  
370.1020 Program and Services

SUBPART G: RECORDS

Section  
370.1210 General  
370.1220 Other Records  
370.1230 Confidentiality

SUBPART H: FOOD SERVICE

Section  
370.1410 Food Service  
370.1420 Adequacy of Diet  
370.1430 Therapeutic Diets  
370.1440 Scheduling of Meals  
370.1450 Food Preparation and Service  
370.1460 Food Handling Sanitation  
370.1470 Kitchen Equipment, Utensils and Supplies

SUBPART I: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section  
370.1610 Maintenance  
370.1620 Housekeeping  
370.1630 Laundry Services

SUBPART J: FURNISHINGS, EQUIPMENT AND SUPPLIES

Section  
370.1810 Furnishings  
370.1820 Equipment and Supplies

SUBPART K: WATER SUPPLY AND SEWAGE DISPOSAL

Section  
370.2010 Codes  
370.2020 Water Supply

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370.2030 Sewage Disposal  
370.2040 Plumbing

SUBPART L: DESIGN AND CONSTRUCTION STANDARDS FOR NEW  
COMMUNITY LIVING FACILITIES

Section  
370.2210 Applicability of Standards  
370.2220 Codes and Standards  
370.2230 Preparation of Drawings and Specifications  
370.2240 Site  
370.2250 Administration  
370.2260 Bedrooms  
370.2270 Nurses' Station  
370.2280 Bath and Toilet Rooms  
370.2290 Living, Dining Room, and Activity Room(s)  
370.2300 Kitchen  
370.2310 Laundry Room  
370.2320 Housekeeping and Storage  
370.2330 Building General  
370.2340 Exit Facilities and Subdivision of Floor Areas  
370.2350 Stairways and Vertical Openings  
370.2360 Hazardous Areas  
370.2370 Structural  
370.2380 Mechanical Systems  
370.2390 Plumbing Systems  
370.2400 Electrical Systems  
370.2410 Fire Alarm and Detection System  
370.2420 Emergency Electrical System  
370.2430 Fire Protection

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING  
COMMUNITY LIVING FACILITIES

Section  
370.2610 Applicability of Standards  
370.2620 Codes and Standards  
370.2630 Preparation of Drawings and Specifications  
370.2640 Site  
370.2650 Administration and Public Areas  
370.2660 Bedrooms  
370.2670 Nurses' Station  
370.2680 Bath and Toilet Rooms  
370.2690 Living, Dining Room, and Activity Room(s)  
370.2700 Kitchen  
370.2710 Laundry Room  
370.2720 Housekeeping and Storage  
370.2730 Building General

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370.2740 Exit Facilities and Subdivision of Floor Areas  
370.2750 Stairways and Vertical Openings  
370.2760 Hazardous Areas  
370.2770 Structural  
370.2780 Mechanical Systems  
370.2790 Plumbing Systems  
370.2800 Electrical Systems  
370.2810 Fire Alarm and Detection System  
370.2820 Emergency Electrical System  
370.2830 Fire Protection

## SUBPART N: RESIDENT'S RIGHTS

Section  
370.3010 General  
370.3020 Medical and Personal Care Program  
370.3030 Restraints  
370.3040 Abuse and Neglect  
370.3050 Communication and Visitation  
370.3060 Resident's Funds  
370.3070 Private Right of Action  
370.3080 Transfer and/or Discharge  
370.3090 Complaint Procedures  
370.3100 Confidentiality  
370.3110 Facility Implementation

APPENDIX A Program Standards  
APPENDIX B Sanitizing Solutions

AUTHORITY: Implementing and authorized by the Community Living Facilities Act [210 ILCS 35].

SOURCE: Emergency rules adopted at 6 Ill. Reg. 379, effective January 1, 1982, for a maximum of 150 days; adopted at 6 Ill. Reg. 6226, effective May 19, 1982; codified at 8 Ill. Reg. 19476; amended at 8 Ill. Reg. 24706, effective December 7, 1984; emergency amendment at 17 Ill. Reg. 9117, effective June 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19509, effective November 1, 1993; emergency amendments at 20 Ill. Reg. 456, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 9982, effective July 15, 1996; amended at 22 Ill. Reg. 3316, effective 12/1/99.

**FEB 13 1999**

SUBPART D: PERSONNEL

Section 370.715 Health Care Worker Background Check

- a) The facility shall not knowingly hire any individual after January 1, 1996, in a position with duties involving direct care for residents if



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- of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, Sections 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388, 389, 393 to 400, 404a to 404c, 438, 492 to 496);
- 9) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));
- 10) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));
- 11) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3); Ill. Rev. Stat. 1961, ch. 38, Sections 84 to 86, 88, and 501);
- 12) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));
- 13) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1); Ill. Rev. Stat. 1961, ch. 38, Sections 48 to 53 and 236 to 238);
- 14) Unlawful use of weapons or aggravated discharge of a firearm (Sections 24-1 and 24-1.2 of the Criminal Code of 1961 [720 ILCS 5/24-1 and 24-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2); Ill. Rev. Stat. 1961, ch. 38, Sections 152, 152a, 155, 155a to 158b, 414a to 414c, 414e and 414g);
- 15) Manufacture, delivery or trafficking of cannabis (Sections 5, 5.1, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1 and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705, 705.1, and 709)); or
- 16) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407 and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).
- b) The facility shall not knowingly employ or retain any individual after January 1, 1997, in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (16) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (f) and (k) and (m) of this Section. (Section 25 of the Health Care Worker Background Check Act)
- c) For the purpose of this Section:
- 1) "Applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of employment.

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- that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25 of the Health Care Worker Background Check Act [225 ILCS 46/25]):
- 1) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, Sections 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474);
- 2) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7); Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, Sections 384 to 386);
- 3) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4); Ill. Rev. Stat. 1961, ch. 38, Sections 252, 252.1, and 252.4);
- 4) Assault, battery or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, Sections 55, 56, and 56a to 60b);
- 5) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16); Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, Sections 109, 141, 142, 490, and 491);
- 6) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));
- 7) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));
- 8) Theft, financial exploitation of an elderly or disabled person, robbery or burglary (Sections 16-1, 16-1.1, 16-1.2, 16-1.3, 16-1.4, 16-1.5, 16-1.6, 16-1.7, 16-1.8, 16-1.9, 16-1.10, 16-1.11, 16-1.12, 16-1.13, 16-1.14, 16-1.15, 16-1.16, 16-1.17, 16-1.18, 16-1.19, 16-1.20, 16-1.21, 16-1.22, 16-1.23, 16-1.24, 16-1.25, 16-1.26, 16-1.27, 16-1.28, 16-1.29, 16-1.30, 16-1.31, 16-1.32, 16-1.33, 16-1.34, 16-1.35, 16-1.36, 16-1.37, 16-1.38, 16-1.39, 16-1.40, 16-1.41, 16-1.42, 16-1.43, 16-1.44, 16-1.45, 16-1.46, 16-1.47, 16-1.48, 16-1.49, 16-1.50, 16-1.51, 16-1.52, 16-1.53, 16-1.54, 16-1.55, 16-1.56, 16-1.57, 16-1.58, 16-1.59, 16-1.60, 16-1.61, 16-1.62, 16-1.63, 16-1.64, 16-1.65, 16-1.66, 16-1.67, 16-1.68, 16-1.69, 16-1.70, 16-1.71, 16-1.72, 16-1.73, 16-1.74, 16-1.75, 16-1.76, 16-1.77, 16-1.78, 16-1.79, 16-1.80, 16-1.81, 16-1.82, 16-1.83, 16-1.84, 16-1.85, 16-1.86, 16-1.87, 16-1.88, 16-1.89, 16-1.90, 16-1.91, 16-1.92, 16-1.93, 16-1.94, 16-1.95, 16-1.96, 16-1.97, 16-1.98, 16-1.99, 16-2, 16-2.1, 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16-10.89, 16-10.90, 16-10.91, 16-10.92, 16-10.93, 16-10.94, 16-10.95, 16-10.96, 16-10.97, 16-10.98, 16-10.99, 16-11, 16-11.1, 16-11.2, 16-11.3, 16-11.4, 16-11.5, 16-11.6, 16-11.7, 16-11.

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- 2) "Conditional offer of employment" means means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (16) -{13} of this Section.
- 3) "Direct care" means means the provision of nursing or personal care or assistance with meals, dressing, movement, bathing, or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of managing his or her person whether or not a guardian has been appointed for that individual.
- 4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. [Section 15 of the Health Care Worker Background Check Act]
- 4) "Personal-care" means assistance-with-meals, dressing, movement, bathing, or other personal needs or maintenance, or general supervision-and-oversight-of-the-physical-and-mental-well-being of a resident:--(Section-15-of-the-Health-Care-Worker-Background-Check-Act)
- d) Beginning January 1, 1996, when the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (g) of this Section, for a position with duties that involve direct care for residents, the employer must initiate or have initiated on its behalf a Uniform Conviction Information Act (UCIA) criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act) If the applicant is on the Department's Nurse Aide Registry in good standing and has had a UCIA criminal history record check within the last 12 months, the employer need not initiate another check.
- e) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. [Section 15 of the Health Care Worker Background Check Act]
- e) No-later-than-January-1-1997-a facility must initiate-a-UCIA-criminal history-record-check-for-all-employees who-were-hired-before-January-1-1996-and-who-are-not-exempt-because-of-subsection-(f)-of-this Section with-duties-that-involve-direct-care-for-residents. (Section 30(d)-of-the-Health-Care-Worker-Background-Check-Act)
- f) The facility agency may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (d) or-(e) of this Section.
- g) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint UCIA criminal history record check search is made:
- 1) That the facility shall request or have requested on its behalf a

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- non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.
- 2) That the applicant or employee has a right to obtain a copy of the criminal records report, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (k) -{3} of this Section.
- 3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (16) -{13} of this Section unless the applicant's identity is validated and it is determined that the applicant applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (i) of this Section or--the-employee-receives-a-waiver-pursuant-to subsections-(j)-and-(k)-of-this-Section.
- 4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (16) -{13} of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (i) of this Section or--the-employee-receives-a-waiver-pursuant-to subsections-(j)-and-(k)-of-this-Section.
- 5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (16) -{13} of this Section unless the employee's applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (i) of this Section or--the-employee-receives-a-waiver-pursuant-to subsections-(j)-and-(k)-of-this-Section.
- h) A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)
- i) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (16) -{13} of this Section may request that the facility or its designee the-Department to commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)
- 1) A facility having actual knowledge that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background



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check within 10 working days after ~~of~~ acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

k)† An applicant, employee or employer may request a waiver to subsection (a) or (b) of this Section by submitting the following to the Department by submitting the following to within five working days after the receipt of the criminal records report:

1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Illinois State Police); and

2) A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

l) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (k)(1) and (2) above.

m)† The Department may grant a waiver based on mitigating circumstances, which may include:

- 1) The age at which the crime was committed;
- 2) The circumstances surrounding the crime;
- 3) The length of time since the conviction;
- 4) The applicant's or employee's criminal history since the conviction;
- 5) The applicant's or employee's work history;
- 6) The applicant's or employee's current employment references;
- 7) The applicant's or employee's character references;
- 8) Nurse Aide Registry records; and
- 9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. (Section 40(b) of the Health Care Worker Background Check Act)

n) An individual may not be employed in a direct care position during the pendency of a waiver request. (Section 10(d) of the Health Care Worker Background Check Act)

o)† A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f)† of the Health Care Worker Background Check Act)

p) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (16) of this Section, pending positive verification through a

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fingerprint-based criminal records check. Such evidence may include, but not be limited to:

1) certified court records;

2) written verification from the State's Attorney's office that prosecuted the conviction at issue;

3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;

4) a signed affidavit from the individual concerning the validity of the report; or

5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

q)† This Section shall not apply to:

1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State; or

2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State--(Section 20-of-the-Health-Care-Worker-Background-Check-Act); or

3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)

r)† The facility shall send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.

s)† The facility shall retain on file for a period of 5 years records of criminal records requests for all employees--~~other than nurse-aides who are on the Department's Nurse Aide Registry~~. The facility shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files ~~file~~ shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

t)† The facility agency shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 22 Ill. Reg. 35.13, effective

FEB 13 1998



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1) Heading of the Part: Hospital Licensing Requirements

2) Code Citation: 77 Ill. Adm. Code 250

3) Section Numbers: Adopted Action:  
250.435 Amendments

4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]

5) Effective Date of Rules: February 13, 1998

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain Any Incorporations By Reference? No

8) Date Filed in Agency's Principal Office: February 13, 1998

9) Date Notice(s) of Proposal was Published in Illinois Register: March 21, 1997 - 21 Ill. Reg. 3438

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No

11) Difference Between Proposal and Final Version: The following changes were made in response to comments received during the first notice or public comment period:

After line 523, add the following new subsection and reletter the remaining subsections:

p) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1)-(16) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
- 4) a signed affidavit from the individual concerning the validity of the report; or
- 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

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The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. In line 312, add an underlined comma after "1991".

2. In line 331, change "208" to "218".

3. In lines 372, 385, 438, 449, 457 and 470, strike the hyphen and add "to".

4. In line 531, change the hyphen to "to".

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
250.1305	Amendments	21 Ill. Reg. 13264
250.1320	Amendments	21 Ill. Reg. 13264
250.1520	Amendments	21 Ill. Reg. 13264
250.2140	Amendments	21 Ill. Reg. 13264

15) Summary and Purpose of Rules:

The rules in Part 250 regulate the licensure of hospitals under the Hospital Licensing Act (Act). The rules are being amended in response to P.A. 89-674 (S.B. 1544, effective August 14, 1996), which amended the Health Care Worker Background Check Act.

Section 250.435 is being amended to clarify the statutory references in the list of disqualifying crimes. The criminal background checks issued by the Illinois Department of State Police may have numbers corresponding to numbering systems in previous editions of the statutes, depending on when the conviction occurred. Citations have been added to assist employers in reading the background checks. The citations for theft (including retail theft), financial exploitation of an elderly or disabled person, robbery, and burglary have been separated to clarify that they are different crimes. The definition of "direct care" is amended to include

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language from P.A. 89-674. A definition of "initiate" is added. A new subsection (e) requires the facility to transmit all necessary information and fees to the State Police within 10 working days after receipt of an authorization to conduct a criminal background check, in accordance with P.A. 89-674. Also in accordance with the law, the time frame for requesting a waiver has been shortened from 30 days to 5 working days. A new subsection (l) states that the Department may accept the results of a fingerprint-based UCIA criminal records check if a person requesting a waiver has already had the fingerprint check done. Subsection (n) prohibits an individual from being employed in a direct care position during the pendency of a waiver request. The exemption from the law for students is clarified in subsection (q)(3). A new subsection (p) lists evidence that may be used to support an individual's claim that the name check is invalid. Facilities are required to retain the results of the background check and the waiver, if appropriate, for the duration of the individual's employment.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, IL 62761  
217/782-2043

The full text of the Adopted Amendments begins on the next page:

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES  
PART 250  
HOSPITAL LICENSING REQUIREMENTS  
SUBPART A: GENERAL

Section  
250.110  
250.120  
250.130  
250.140  
250.150  
250.160

Application for and Issuance of Permit to Establish a Hospital  
Application for and Issuance of a License to Operate a Hospital  
Administration by the Department  
Hearings  
Definitions  
Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section  
250.210  
250.220  
250.230  
250.240  
250.250  
250.260  
250.265  
250.270  
250.280

The Governing Board  
Accounting  
Planning  
Admission and Discharge  
Visiting Rules  
Patients' Rights  
Language Assistance Services  
Manuals of Procedure  
Agreement with Designated Organ Procurement Agencies

SUBPART C: THE MEDICAL STAFF

Section  
250.310  
250.315  
250.320  
250.330  
250.340

Organization  
House Staff Members  
Admission and Supervision of Patients  
Orders for Medications and Treatments  
Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

Section  
250.410  
250.420  
250.430  
250.435  
250.440  
250.450

Organization  
Personnel Records  
Duty Assignments  
Health Care Worker Background Check  
Education Programs  
Personnel Health Requirements

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250.460	Benefits
Section	
250.510	Laboratory Services
250.520	Blood and Blood Components
250.525	Designated Blood Donor Program
250.530	Proficiency Survey Program (Repealed)
250.540	Laboratory Personnel (Repealed)
250.550	Western Blot Assay Testing Procedures (Repealed)
	SUBPART F: RADIOLOGICAL SERVICES
Section	
250.610	General Diagnostic Procedures and Treatments
250.620	Radioactive Isotopes
250.630	General Policies and Procedures Manual

## SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

Section	
250.710	Classification of Emergency Services
250.720	General Requirements
250.725	Notification of Emergency Personnel
250.730	Community or Area-wide Planning
250.740	Disaster and Mass Casualty Program
250.750	Emergency Services for Sexual Assault Victims

## SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

Section	
250.810	Applicability of Other Parts of These Requirements
250.820	General
250.830	Classifications of Restorative and Rehabilitation Services
250.840	General Requirements for all Classifications
250.850	Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860	Medical Direction
250.870	Nursing Care
250.880	Additional Allied Health Services

## SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section	
250.910	Nursing Services
250.920	Organizational Plan
250.930	Role in hospital planning

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250.940	Job descriptions
250.950	Nursing committees
250.960	Specialized nursing services
250.970	Nursing Care Plans
250.980	Nursing Records and Reports
250.990	Unusual Incidents
250.1000	Meetings
250.1010	Education Programs
250.1020	Licensure
250.1030	Policies and Procedures
250.1040	Patient Care Units
250.1050	Equipment for Bedside Care
250.1060	Drug Services on Patient Unit
250.1070	Care of Patients
250.1080	Admission Procedures Affecting Care
250.1090	Sterilization and Processing of Supplies
250.1100	Infection Control

## SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section	
250.1210	Surgery
250.1220	Surgery Staff
250.1230	Policies & Procedures
250.1240	Surgical Privileges
250.1250	Surgical Emergency Care
250.1260	Operating Room Register
250.1270	Surgical Patients
250.1280	Equipment
250.1290	Safety
250.1300	Operating Room
250.1305	Visitors in Operating Room
250.1310	Cleaning of Operating Room
250.1320	Regulations for Postoperative Recovery Facilities

## SUBPART K: ANESTHESIA SERVICES

Section	
250.1410	Anesthesia Service

## SUBPART L: RECORDS AND REPORTS

Section	
250.1510	Medical Records
250.1520	Reports

## SUBPART M: FOOD SERVICE



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Section	Dietary Department Administration
250.1610	Facilities
250.1620	Menus and Nutritional Adequacy
250.1630	Diet Orders
250.1640	Frequency of Meals
250.1650	Therapeutic (Modified) Diets
250.1660	Food Preparation and Service
250.1670	Sanitation
250.1680	

## SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section	Housekeeping
250.1710	Garbage, Refuse and Solid Waste Handling and Disposal
250.1720	Insect and Rodent Control
250.1730	Laundry Service
250.1740	Soiled Linen
250.1750	Clean Linen
250.1760	

## SUBPART O: MATERNITY AND NEONATAL SERVICE

Section	Applicability of other parts of these regulations
250.1810	Maternity and Neonatal Service (Perinatal Service)
250.1820	General Requirements for all Maternity Departments
250.1830	Discharge of Newborn Infants from Hospital
250.1840	Rooming-In Care of Mother and Infant
250.1850	Special Programs
250.1860	Single Room Maternity Care
250.1870	

## SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS--HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section	Maintenance
250.1910	Emergency electric service
250.1920	Water Supply
250.1930	Ventilation, Heating, Air Conditioning, and Air Changing Systems
250.1940	Grounds and Buildings Shall be Maintained
250.1950	Sewage, Garbage, Solid Waste Handling and Disposal
250.1960	Plumbing
250.1970	Fire and Safety
250.1980	

## SUBPART Q: CHRONIC DISEASE HOSPITALS

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Section	Definition
250.2010	Requirements
250.2020	

## SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section	Service Requirements
250.2110	Personnel Required
250.2120	Facilities for Services
250.2130	Pharmacy and Therapeutics Committee
250.2140	

## SUBPART S: PSYCHIATRIC SERVICES

Section	Applicability of other Parts of these Regulations
250.2210	Establishment of a Psychiatric Service
250.2220	The Medical Staff
250.2230	Nursing Service
250.2240	Allied Health Personnel
250.2250	Staff and Personnel Development and Training
250.2260	Admission, Transfer and Discharge Procedures
250.2270	Care of Patients
250.2280	Special Medical Record Requirements for Psychiatric Hospitals and
250.2290	Psychiatric Units of General Hospitals or General Hospitals

250.2300	Providing Psychiatric Care
	Diagnostic, Treatment and Physical Facilities and Services

## SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section	Applicability of these Standards
250.2410	Submission of Plans for New Construction, Alterations or Additions to Existing Facility
250.2420	Preparation of Drawings and Specifications -- Submission Requirements
250.2430	General Hospital Standards
250.2440	Details
250.2450	Finishes
250.2460	Structural
250.2470	Mechanical
250.2480	Plumbing and Other Piping Systems
250.2490	Electrical Requirements
250.2500	

## SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

Section	Applicability of these Standards
250.2610	

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250.2620  
250.2630  
250.2640  
250.2650  
250.2660  
250.2670  
250.2680

Codes and Standards  
Existing General Hospital Standards  
Details  
Finishes  
Mechanical  
Plumbing and Other Piping Systems  
Electrical Requirements

## SUBPART V: SPECIAL CARE AND SPECIAL SERVICE UNITS

Section  
250.2710  
250.2720

Special Care and/or Special Service Units  
Day Care for Mildly Ill Children

## SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section  
250.2810  
250.2820  
250.2830  
250.2840  
  
250.2850  
250.2860  
250.2870  
250.2880

Applicability of Other Parts of These Requirements  
Establishment of an Alcoholism and Intoxication Treatment Service  
Classification and Definitions of Service and Programs  
General Requirements for all Hospital Alcoholism Program Classifications  
The Medical and Professional Staff  
Medical Records  
Referral  
Client Legal and Human Rights

## ILLUSTRATION A

APPENDIX A Seismic Zone Map  
EXHIBIT A Codes and Standards (Repealed)  
EXHIBIT B Codes (Repealed)  
EXHIBIT C Standards (Repealed)  
TABLE A Addresses of Sources (Repealed)

TABLE B Measurements Essential for Level I, II, III Hospitals  
TABLE C Sound Transmission Limitations in General Hospitals  
Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)

TABLE D General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)

TABLE E Piping Locations for Oxygen, Vacuum and Medical Compressed Air

TABLE F General Pressure Relationships and Ventilation of Certain Hospital Areas

TABLE G Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act (210 ILCS 85).

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of

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150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3496, effective ~~\_\_\_\_\_~~ **FEB 13 1996**.

## SUBPART D: PERSONNEL SERVICE

## Section 250.435 Health Care Worker Background Check

- a) The hospital shall not knowingly hire any individual after January 1, 1996, in a position with duties involving direct care for patients if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25 of the Health Care Worker Background Check Act [225 ILCS 46/25]):

1) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3)); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, Sections 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417 and 474);

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- 11) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3); Ill. Rev. Stat. 1961, ch. 38, Sections 84 to 86, 88 and 501);
  - 12) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));
  - 13) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1); Ill. Rev. Stat. 1961, ch. 38, Sections 48 to 53 and 236 to 238);
  - 14) Unlawful use of weapons or aggravated discharge of a firearm (Sections 24-1 and 24-1.2 of the Criminal Code of 1961 [720 ILCS 5/24-1 and 24-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2); Ill. Rev. Stat. 1961, ch. 38, Sections 152, 152a, 155, 155a to 158b, 414a to 414c, 414e and 414g);
  - 15) Manufacture, delivery or trafficking of cannabis (Sections 5, 5.1, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705, 705.1, and 709)); or
  - 16) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407 and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).
- b) The hospital shall not knowingly employ or retain any individual after January 1, 1991, in a position with duties involving direct care for patients if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (16) - (13) of this Section unless the applicant, employee, or employer obtains a waiver pursuant to subsections (j) - (k) and (l) of this Section. (Section 25 of the Health Care Worker Background Check Act) For the purpose of this Section:
- 1) "Applicant" means an individual seeking employment with a hospital who has received a bona fide conditional offer of employment.
  - 2) "Conditional offer of employment" means means a bona fide offer of employment by a hospital to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (16) - (13) of this Section.
  - 3) "Direct Care" means means the provision of nursing or personal care: 4) "Personal Care" means or assistance with meals, dressing, movement, bathing, or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of managing his or her person whether or not a guardian has been

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- 2) Kidnapping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7); Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, Sections 384 to 386);
- 3) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4); Ill. Rev. Stat. 1961, ch. 38, Sections 252, 252.1, and 252.4);
- 4) Assault, battery or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, Sections 55, 56, and 56a to 60b);
- 5) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16); Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, Sections 109, 141, 142, 490, and 491);
- 6) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));
- 7) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));
- 8) Theft, financial exploitation of an elderly or disabled person, robbery or burglary (Sections 16-1, 16-1.1, 16-1.3, 16-3, 16-3.1, 16-3.2, 16-3.3, 16-3.4, 16-3.5, 16-3.6, 16-3.7, 16-3.8, 16-3.9, 16-3.10, 16-3.11, 16-3.12, 16-3.13, 16-3.14, 16-3.15, 16-3.16, 16-3.17, 16-3.18, 16-3.19, 16-3.20, 16-3.21, 16-3.22, 16-3.23, 16-3.24, 16-3.25, 16-3.26, 16-3.27, 16-3.28, 16-3.29, 16-3.30, 16-3.31, 16-3.32, 16-3.33, 16-3.34, 16-3.35, 16-3.36, 16-3.37, 16-3.38, 16-3.39, 16-3.40, 16-3.41, 16-3.42, 16-3.43, 16-3.44, 16-3.45, 16-3.46, 16-3.47, 16-3.48, 16-3.49, 16-3.50, 16-3.51, 16-3.52, 16-3.53, 16-3.54, 16-3.55, 16-3.56, 16-3.57, 16-3.58, 16-3.59, 16-3.60, 16-3.61, 16-3.62, 16-3.63, 16-3.64, 16-3.65, 16-3.66, 16-3.67, 16-3.68, 16-3.69, 16-3.70, 16-3.71, 16-3.72, 16-3.73, 16-3.74, 16-3.75, 16-3.76, 16-3.77, 16-3.78, 16-3.79, 16-3.80, 16-3.81, 16-3.82, 16-3.83, 16-3.84, 16-3.85, 16-3.86, 16-3.87, 16-3.88, 16-3.89, 16-3.90, 16-3.91, 16-3.92, 16-3.93, 16-3.94, 16-3.95, 16-3.96, 16-3.97, 16-3.98, 16-3.99, 16-4, 16-4.1, 16-4.2, 16-4.3, 16-4.4, 16-4.5, 16-4.6, 16-4.7, 16-4.8, 16-4.9, 16-4.10, 16-4.11, 16-4.12, 16-4.13, 16-4.14, 16-4.15, 16-4.16, 16-4.17, 16-4.18, 16-4.19, 16-4.20, 16-4.21, 16-4.22, 16-4.23, 16-4.24, 16-4.25, 16-4.26, 16-4.27, 16-4.28, 16-4.29, 16-4.30, 16-4.31, 16-4.32, 16-4.33, 16-4.34, 16-4.35, 16-4.36, 16-4.37, 16-4.38, 16-4.39, 16-4.40, 16-4.41, 16-4.42, 16-4.43, 16-4.44, 16-4.45, 16-4.46, 16-4.47, 16-4.48, 16-4.49, 16-4.50, 16-4.51, 16-4.52, 16-4.53, 16-4.54, 16-4.55, 16-4.56, 16-4.57, 16-4.58, 16-4.59, 16-4.60, 16-4.61, 16-4.62, 16-4.63, 16-4.64, 16-4.65, 16-4.66, 16-4.67, 16-4.68, 16-4.69, 16-4.70, 16-4.71, 16-4.72, 16-4.73, 16-4.74, 16-4.75, 16-4.76, 16-4.77, 16-4.78, 16-4.79, 16-4.80, 16-4.81, 16-4.82, 16-4.83, 16-4.84, 16-4.85, 16-4.86, 16-4.87, 16-4.88, 16-4.89, 16-4.90, 16-4.91, 16-4.92, 16-4.93, 16-4.94, 16-4.95, 16-4.96, 16-4.97, 16-4.98, 16-4.99, 16-5, 16-5.1, 16-5.2, 16-5.3, 16-5.4, 16-5.5, 16-5.6, 16-5.7, 16-5.8, 16-5.9, 16-5.10, 16-5.11, 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appointed for that individual. ~~patient~~ ~~-----~~ ~~(Section 15 of the Health Care Worker Background Check Act)~~

- 4) ~~"Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)~~

d) ~~Beginning January 1, 1996, when the hospital makes a conditional offer of employment to an applicant who is not exempt under subsection (m) of this Section, for a position with duties that involve direct care for patients, the employer must initiate or have initiated on its behalf a Uniform Conviction Information Act (UCIA) criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act) If the applicant is on the Department's Nurse Aide Registry in good standing and has had a UCIA criminal history record check within the last 12 months, the employer need not initiate another check.~~

e) ~~No later than January 1, 1997, a hospital must initiate a UCIA criminal history record check for all employees who were hired before January 1, 1996, who have not already had a UCIA criminal history record check, and who are not exempt because of subsection (m) of this Section with duties that involve direct care for patients. (Section 30(d) of the Health Care Worker Background Check Act)~~

e) ~~The hospital shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)~~

f) ~~The hospital may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (d) or (e) of this Section.~~

g) ~~The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint UCIA criminal history record search check is made:~~

- 1) ~~That the hospital shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.~~
- 2) ~~That the applicant or employee has a right to obtain a copy of the criminal records report, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (k) of this Section.~~
- 3) ~~That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (16) of this Section unless the applicant's identity is validated and it is determined that the applicant applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (i) of~~

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this Section ~~or the employee receives a waiver pursuant to subsections (j) and (k) of this Section.~~

- 4) ~~That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (16) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (i) of this Section or the employee receives a waiver pursuant to subsections (j) and (k) of this Section.~~

5) ~~That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (16) of this Section unless the employee's applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (i) of this Section or the employee receives a waiver pursuant to subsections (j) and (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)~~

h) ~~A hospital may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)~~

i) ~~An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (16) of this Section may request that the hospital or its designee to commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)~~

j) ~~A hospital having actual knowledge that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The hospital may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)~~

j) ~~An applicant, employee or employer may request a waiver to subsection (a) or (b) of this Section by submitting the following by submitting the following to the Department within 30 five working days after the receipt of the criminal records report:~~

- 1) ~~A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Illinois State Police); and~~

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- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State; or
- 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State -- ~~(Section 20 of the Health-Care-Worker--Background Check-Act); of~~
- 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for patients. (Section 20 of the Health Care Worker Background Check Act)

1) The hospital shall send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The hospital shall include the individual's Social Security number on the criminal history record check results.

2) The hospital shall retain on file for a period of 5 years records of criminal records requests for all employees ~~rather than nurse-aides who are on the Department's Nurse-Aide-Registry~~. The hospital shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files ~~file~~ shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

3) The hospital shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 22 Ill. Reg. ~~6026~~, effective ~~6026~~)

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- 2) A certified check, money order or hospital check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

1) The Department may accept the results of the fingerprint-based UCIA Criminal Records Check instead of the items required by subsections (k)(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)

m) The Department may grant a waiver based on mitigating circumstances, which may include:

- 1) The age at which the crime was committed;
- 2) The circumstances surrounding the crime;
- 3) The length of time since the conviction;
- 4) The applicant's or employee's criminal history since the conviction;
- 5) The applicant's or employee's work history;
- 6) The applicant's or employee's current employment references;
- 7) The applicant's or employee's character references;
- 8) Nurse Aide Registry records; and
- 9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of patients. (Section 40(b) of the Health Care Worker Background Check Act)

n) An individual may not be employed in a direct care position during the pendency of a waiver request. (Section 10(d) of the Health Care Worker Background Check Act)

o) A hospital is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(d)(f) of the Health Care Worker Background Check Act)

p) A hospital may retain the individual in a direct care position if the individual presents clear and convincing evidence to the hospital that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (16) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
- 4) a signed affidavit from the individual concerning the validity of the report; or
- 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

q) This Section shall not apply to:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Home Health Agency Code

2) Code Citation: 77 Ill. Adm. Code 245

3) Section Numbers: Adopted Action:  
245.72 Amendments

4) Statutory Authority: Home Health Agency Licensing Act [210 ILCS 55]

5) Effective Date of Rules: February 13, 1998

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain Any Incorporations By Reference? No

8) Date Filed in Agency's Principal Office: February 13, 1998

9) Date Notice(s) of Proposal was Published in Illinois Register: March 21, 1997 - 21 Ill. Reg. 3453

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No

11) Difference Between Proposal and Final Version: The following changes were made in response to comments received during the first notice or public comment period:

Add the following new subsection (p) after line 297 and reletter the remaining subsections.

p) An agency may retain the individual in a direct care position if the individual presents clear and convincing evidence to the agency that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1)-(16) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
- 4) a signed affidavit from the individual concerning the validity of the report; or
- 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. In lines 148, 161, 213, 223, 230 and 243, strike the hyphen and add "to".

2. In line 303, change "subsections" to "subsections" and change the hyphen to "to".

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Rules: The rules in Part 245 regulate the licensure of home health agencies under the Home Health Agency Licensing Act (Act). The rules are being amended in response to P.A. 89-674 (S.B. 1544, effective August 14, 1996), which amended the Health Care Worker Background Check Act.

Section 245.72 is being amended to clarify the statutory references in the list of disqualifying crimes. The criminal background checks issued by the Illinois Department of State Police may have numbers corresponding to numbering systems in previous editions of the statutes, depending on when the conviction occurred. Citations have been added to assist employers in reading the background checks. The citations for theft (including retail theft), financial exploitation of an elderly or disabled person, robbery, and burglary have been separated to clarify that they are different crimes. The definition of "direct care" is amended to include language from P.A. 89-674. A definition of "initiate" is added. A new subsection (e) requires the facility to transmit all necessary information and fees to the State Police within 10 working days after receipt of an authorization to conduct a criminal background check, in accordance with P.A. 89-674. Also in accordance with the law, the time frame for requesting a waiver has been shortened from 30 days to 5 working days. A new subsection (1) states that the Department may accept the results of a fingerprint-based UCIA criminal records check if a person requesting a waiver has already had the fingerprint check done. Subsection (n) prohibits an individual from being employed in a direct care position during the pendency of a waiver request. The exemption from the law for



DEPARTMENT OF PUBLIC HEALTH  
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students is clarified in subsection (q)(3). A new subsection (p) lists evidence that may be used to support an individual's claim that the name check is invalid. Facilities are required to retain the results of the background check and the waiver, if appropriate, for the duration of the individual's employment.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 245  
ILLINOIS HOME HEALTH AGENCY CODE

SUBPART A: GENERAL PROVISIONS

Section	Purpose
245.10	Definitions
245.20	Incorporated and Referenced Materials
245.25	

SUBPART B: OPERATIONAL REQUIREMENTS

Section	Organization and Administration
245.30	Staffing and Staff Responsibilities
245.40	Services
245.50	Annual Financial Statement
245.60	Home Health Aide Training
245.70	Health Care Worker Background Check
245.72	

SUBPART C: LICENSURE PROCEDURES

Section	Licensure Required
245.80	License Application
245.90	Provisional License
245.100	Inspections and Investigations
245.110	Violations
245.120	Adverse Licensure Actions
245.130	Penalties and Fines
245.140	Hearings
245.150	

AUTHORITY: Implementing and authorized by the Home Health Agency Licensing Act [210 ILCS 55].

SOURCE: Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 14

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Ill. Reg. 2382, effective February 15, 1990; amended at 15 Ill. Reg. 5376, effective May 1, 1991; amended at 18 Ill. Reg. 2414, effective January 22, 1994; emergency amendments at 20 Ill. Reg. 488, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3273, effective February 15, 1996; amended at 20 Ill. Reg. 10033, effective July 15, 1996; amended at 22 Ill. Reg. 3034, effective \_\_\_\_\_, effective \_\_\_\_\_.

FEB 18 1996

## SUBPART B: OPERATIONAL REQUIREMENTS

## Section 245.72 Health Care Worker Background Check

a) The agency shall not knowingly hire any individual after January 1, 1996, in a position with duties involving direct care for patients if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25 of the Health Care Worker Background Check Act [225 ILCS 46/25]):

- 1) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3)); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, Sections 3, 236, 358, 360, 361, 362, 363, 364, 364A, 365, 370, 373A, 417, and 474);
- 2) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7)); Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, Sections 384 to 386));
- 3) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4)); Ill. Rev. Stat. 1961, ch. 38, Sections 252, 252.1, and 252.4));
- 4) Assault, battery or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7)); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, Sections 55, 56, and 56A to 60B));
- 5) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-4, 12-5, 12-13, 12-14, 12-15, and 12-16)); Ill. Rev. Stat. 1985, ch. 38, pars. 12-1, 12-4, and 12-16);

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- 11-4.1; Ill. Rev. Stat. 1961, ch. 38, Sections 109, 141, 142, 490, and 491));
- 6) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));
- 7) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));
- 8) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3); Ill. Rev. Stat. 1961, ch. 38, Sections 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404 to 404c, 438, 492 to 496));
- 9) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));
- 10) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));
- 11) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3); Ill. Rev. Stat. 1961, ch. 38, Sections 84 to 86, 88 and 501));
- 12) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));
- 13) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1)); Ill. Rev. Stat. 1961, ch. 38, Sections 48 to 53 and 236 to 238));
- 14) Unlawful use of weapons or aggravated discharge of a firearm (Sections 24-1 and 24-1.2 of the Criminal Code of 1961 [720 ILCS 5/24-1 and 24-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2)); Ill. Rev. Stat. 1961, ch. 38, Sections 152, 152a, 155, 155a to 158b, 414a to 414c, 414e and 414g));
- 15) Manufacture, delivery or trafficking of cannabis (Sections 5, 5.1, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1 and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705, 705.1, and 709)); or
- 16) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substances Act [720 ILCS 570/401, 401.1, 404,





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- i) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (16) of this Section may request that the agency or its designee or the Department to commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)
- 1) An Agency having actual knowledge that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The agency may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)
- k) An applicant, employee or employer may request a waiver to subsection (a) or (b) of this Section by submitting the following to by submitting the following to the Department within five working 30 days after the receipt of the criminal records report:
- 1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Illinois State Police); and
  - 2) A certified check, money order or agency check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.
- l) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (k)(1) and (2) above.
- m) The Department may grant a waiver based on mitigating circumstances, which may include:
- 1) The age at which the crime was committed;
  - 2) The circumstances surrounding the crime;
  - 3) The length of time since the conviction;
  - 4) The applicant's or employee's criminal history since the conviction;
  - 5) The applicant's or employee's work history;
  - 6) The applicant's or employee's current employment references;
  - 7) The applicant's or employee's character references;
  - 8) Nurse Aide Registry records; and
  - 9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of patients. (Section 40(b) of the Health Care Worker Background Check Act)
- n) An individual may not be employed in a direct care position during the

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- pendency of a waiver request. (Section 10(d) of the Health Care Worker Background Check Act)
- o) An agency is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f)(4) of the Health Care Worker Background Check Act)
- p) An agency may retain the individual in a direct care position if the individual presents clear and convincing evidence to the agency that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (16) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:
- 1) certified court records;
  - 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
  - 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
  - 4) a signed affidavit from the individual concerning the validity of the report; or
  - 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.
- q) This Section shall not apply to:
- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State; or
  - 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or
  - 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)
- r) The agency must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The agency shall include the individual's Social Security number on the criminal history record check results.
- s) The agency shall retain on file for a period of 5 years records of criminal records requests for all employees, other than nurse-aides who are on the Department's Nurse-Aide Registry. The facility shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's

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*employment. The files file shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)*

*t)† The agency shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.*

(Source: Amended at 22 Ill. Reg. 340.1376, effective

**FEB 19 1998**

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Veterans Homes Code

2) Code Citation: 77 Ill. Adm. Code 340

3) Section Numbers: Adopted Action:  
340.1376 Amendments  
340.1377 Amendments

4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) Effective Date of Rules: February 13, 1998

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain Any Incorporations By Reference? No

8) Date Filed in Agency's Principal Office: February 13, 1998

9) Date Notice(s) of Proposal was Published in Illinois Register: March 21, 1997 - 21 Ill. Reg. 3462

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No

11) Difference Between Proposal and Final Version: The following changes were made in response to comments received during the first notice or public comment period:

1. Add the following new subsection (p) after line 408 and reletter the remaining subsections.

p) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsection (a)(1) to (16) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

1) certified court records;

2) written verification from the State's Attorney's office that prosecuted the conviction at issue;

3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;

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- 4) a signed affidavit from the individual concerning the validity of the report; or
  - 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.
2. Add the following after line 416:

3) A STUDENT IN A LICENSED HEALTH CARE FIELD INCLUDING, BUT NOT LIMITED TO, A STUDENT NURSE, A PHYSICAL THERAPY STUDENT, OR A RESPIRATORY CARE STUDENT UNLESS HE OR SHE IS EMPLOYED BY A HEALTH CARE EMPLOYER IN A POSITION WITH DUTIES INVOLVING DIRECT CARE FOR RESIDENTS. (Section 20 of the Health Care Worker Background Check Act)

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. In lines 135, 257, 270, 323, 334, 342 and 355, strike the hyphen and add "to".
2. In lines 216, 217, 218, 229 and 241, change the hyphens to "to".
3. In line 270, strike "13" and add "16".
4. In line 364, change "of" to "after"
5. In line 415, after "offense" add "listed in subsections (a)(1) to (16) of this Section, pending positive".

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
340.1255	New Section	21 Ill. Reg. 6704
340.1320	Amendments	21 Ill. Reg. 6704

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

340. Table A Amendments 21 Ill. Reg. 6704

- 15) Summary and Purpose of Rules: The rules in Part 340 regulate the licensure of Illinois veterans' homes under the Nursing Home Care Act (Act). The rules are being amended in response to P.A. 89-674 (S.B. 1544, effective August 14, 1996), which amended the Act and the Health Care Worker Background Check Act.

Section 340.1376 is being amended to include language from the Act requiring nurse aides on the Nurse Aide Registry to notify the Department within 30 days of any change of address. The Department is also requiring that the Registry be informed of a nurse aide's name change.

Section 340.1377 is being amended to clarify the statutory references in the list of disqualifying crimes. The criminal background checks issued by the Illinois Department of State Police may have numbers corresponding to numbering systems in previous editions of the statutes, depending on when the conviction occurred. Citations have been added to assist employers in reading the background checks. The citations for theft (including retail theft), financial exploitation of an elderly or disabled person, robbery, and burglary have been separated to clarify that they are different crimes. The definition of "direct care" is amended to include language from P.A. 89-674. A definition of "initiate" is added. A new subsection (e) requires the facility to transmit all necessary information and fees to the State Police within 10 working days after receipt of an authorization to conduct a criminal background check, in accordance with P.A. 89-674. Also in accordance with the law, the time frame for requesting a waiver has been shortened from 30 days to 5 working days. A new subsection (l) states that the Department may accept the results of a fingerprint-based UCIA criminal records check if a person requesting a waiver has already had the fingerprint check done. Subsection (n) prohibits an individual from being employed in a direct care position during the pendency of a waiver request. The exemption from the law for students is clarified in subsection (q)(3). A new subsection (p) lists evidence that may be used to support an individual's claim that the name check is invalid. Facilities are required to retain the results of the background check and the waiver, if appropriate, for the duration of the individual's employment.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIES

## PART 340

## ILLINOIS VETERANS' HOMES CODE

## SUBPART A: GENERAL PROVISIONS

Section	
340.1000	Definitions
340.1010	Incorporated and Referenced Materials
340.1110	General Requirements
340.1115	Federal Veterans' Regulations
340.1120	Application for License
340.1130	Criteria for Adverse Licensure Actions
340.1140	Denial of Initial License
340.1150	Revocation or Denial of Renewal of License
340.1160	Inspections, Surveys, Evaluations, and Consultations
340.1170	Presentation of Findings by the Department
340.1190	Ownership Disclosure
340.1200	Monitor and Receivership
340.1210	Determination of a Violation
340.1220	Determination of the Level of a Violation
340.1230	Plans of Correction and Reports of Correction
340.1240	Calculation of Penalties
340.1245	Conditions for Assessment of Penalties
340.1250	Reduction or Waiver of Penalties
340.1260	Waivers

## SUBPART B: POLICIES AND FACILITY RECORDS

Section	
340.1300	Facility Policies
340.1310	Admission and Discharge Policies
340.1320	Disaster Preparedness
340.1330	Serious Incidents and Accidents
340.1335	Infection Control
340.1340	Facility Record Requirements
340.1350	Personnel Policies
340.1360	Initial Health Evaluation for Employees
340.1370	Administrator
340.1375	Personnel Requirements
340.1376	Registry of Certified Nurse Aides
340.1377	Health Care Worker Background Check

## SUBPART C: RESIDENT RIGHTS

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

Section  
 340.1400 Implementation of Resident Rights and Facility Responsibilities  
 340.1410 General  
 340.1420 Contract Between Resident and Facility  
 340.1430 Residents' Advisory Council  
 340.1440 Abuse and Neglect  
 340.1450 Communication and Visitation  
 340.1460 Resident's Funds  
 340.1470 Transfer or Discharge  
 340.1480 Complaint Procedures  
 340.1490 Private Right of Action

## SUBPART D: HEALTH SERVICES

Section  
 340.1500 Medical Care Policies  
 340.1505 Medical, Nursing and Restorative Services  
 340.1510 Communicable Disease Policies  
 340.1520 Tuberculin Skin Test Procedures  
 340.1530 Physician Services  
 340.1535 Dental Programs  
 340.1540 Non-emergency Treatments  
 340.1550 Obstetrical and Gynecological Care  
 340.1560 Nursing Personnel  
 340.1570 Personal Care  
 340.1580 Restraints  
 340.1590 Nonemergency Use of Physical Restraints  
 340.1600 Emergency Use of Physical Restraints  
 340.1610 Unnecessary, Psychotropic, and Anti psychotic Drugs  
 340.1620 Medication Administration  
 340.1630 Self-Administration of Medication

## SUBPART E: MEDICATION ADMINISTRATION SERVICES

Section  
 340.1650 Medication Policies and Procedures  
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## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

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 TABLE A Disaster Preparedness Parameters--Relative Humidity and Temperature  
 TABLE B Guidelines for the Use of Various Drugs

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rule adopted at 18 Ill. Reg. 10391, effective June 21, 1994, for a maximum of 150 days; emergency rule expired November 18, 1994; adopted at 19 Ill. Reg. 5679, effective April 3, 1995; emergency amendments at 20 Ill. Reg. 496, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10045, effective July 15, 1996; amended at 20 Ill. Reg. 12013, effective September 10, 1996; amended at 22 Ill. Reg. 1111, effective FEB 13 1998.

## SUBPART B: POLICIES AND FACILITY RECORDS

## Section 340.1376 Registry of Certified Nurse Aides

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- a) An individual will be placed on the Nurse Aide Registry when he/she has successfully completed a training program approved in accordance with the Long-Term Care Assistants and Aides Training Program Code (77 Ill. Adm. Code 395) and has met background check information required in Section 340.1377 of this Part, and when there are no findings of abuse, neglect, or misappropriation of property in accordance with Sections 3-206.01 and 3-206.02 of the Act.
- b) An individual will be placed on the Nurse Aide Registry if he/she has met background check information required in Section 340.1377 of this Part and submits documentation supporting one of the following equivalencies:
- 1) Documentation of current registration from another state indicating that the requirements of 42 CFR 483.151 to -483.154 (October 1, 1994, no later amendments or editions included) have been met and that there are not documented findings of abuse, neglect, or misappropriation of property.
  - 2) Documentation of successful completion of a nursing arts course with at least 40 hours of supervised clinical experience in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school and successful completion of the Department-established nursing assistant competency test.
  - 3) Documentation of successful completion of a United States military training program that includes the content of the Basic Nursing Assistant Training Program (see 77 Ill. Adm. Code 395) and at least 40 hours of supervised clinical experience, as evidenced by a diploma, certification, or other written verification and the written portion of the Department-established nursing assistant competency test.
- c) An individual shall notify the Nurse Aide Registry of any change of address within 30 days and of any name change within 30 days and shall submit proof of any name change to the Department. (Section 3-206.01 of the Act)

(Source: Amended at 22 Ill. Reg. effective

FEB 13 1998

## Section 340.1377 Health Care Worker Background Check

- a) The facility shall not knowingly hire any individual after January 1, 1996, in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25 of the Health Care Worker Background Check Act (225 ILCS 46/25)):
- 1) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3] (formerly Ill. Rev. Stat.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, Sections 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474))
- 2) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7); Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, Sections 384 to 386))
- 3) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4); Ill. Rev. Stat. 1961, ch. 38, Sections 252, 252.1, and 252.4))
- 4) Assault, battery or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, Sections 55, 56, and 56a to 60b))
- 5) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, Sections 109, 141, 142, 490, and 491))
- 6) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19))
- 7) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21))
- 8) Theft, financial exploitation of an elderly or disabled person, robbery or burglary (Sections 16-1, 16-1.1, 16-1.2, 16-1.3, 16-1.4, 16-1.5, 16-1.6, 16-1.7, 16-1.8, 16-1.9, 16-1.10, 16-1.11, 16-1.12, 16-1.13, 16-1.14, 16-1.15, 16-1.16, 16-1.17, 16-1.18, 16-1.19, 16-1.20, 16-1.21, 16-1.22, 16-1.23, 16-1.24, 16-1.25, 16-1.26, 16-1.27, 16-1.28, 16-1.29, 16-1.30, 16-1.31, 16-1.32, 16-1.33, 16-1.34, 16-1.35, 16-1.36, 16-1.37, 16-1.38, 16-1.39, 16-1.40, 16-1.41, 16-1.42, 16-1.43, 16-1.44, 16-1.45, 16-1.46, 16-1.47, 16-1.48, 16-1.49, 16-1.50, 16-1.51, 16-1.52, 16-1.53, 16-1.54, 16-1.55, 16-1.56, 16-1.57, 16-1.58, 16-1.59, 16-1.60, 16-1.61, 16-1.62, 16-1.63, 16-1.64, 16-1.65, 16-1.66, 16-1.67, 16-1.68, 16-1.69, 16-1.70, 16-1.71, 16-1.72, 16-1.73, 16-1.74, 16-1.75, 16-1.76, 16-1.77, 16-1.78, 16-1.79, 16-1.80, 16-1.81, 16-1.82, 16-1.83, 16-1.84, 16-1.85, 16-1.86, 16-1.87, 16-1.88, 16-1.89, 16-1.90, 16-1.91, 16-1.92, 16-1.93, 16-1.94, 16-1.95, 16-1.96, 16-1.97, 16-1.98, 16-1.99, 16-2, 16-2.1, 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- Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3)):
- 10) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2)):
  - 11) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, Sections 84 to 86, 88, and 501)):
  - 12) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4)):
  - 13) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1)):
  - 14) Unlawful use of weapons or aggravated discharge of a firearm (Sections 24-1 and 24-1.2 of the Criminal Code of 1961 [720 ILCS 5/24-1 and 24-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2)):
  - 15) Manufacture, delivery or trafficking of cannabis (Sections 5.1, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1 and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705, 705.1 and 709)):
  - 16) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).
- b) The facility shall not knowingly employ or retain any individual after January 1, 1997, in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to - (16) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (f) and (k) and (m) of this Section. (Section 25 of the Health Care Worker Background Check Act)
- c) For the purpose of this Section:
- 1) "Applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of employment.
  - 2) "Conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to - (16) of this Section.
  - 3) "Direct care" means the provision of nursing or personal

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- carer or assistance with meals, dressing, movement, bathing, or other personal needs or maintenance, or general well-being of an individual who is incapable of managing his or her person whether or not a guardian has been appointed for that individual. (Section 15 of the Health Care Worker Background Check Act)
- 4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)
- d) Beginning January 1, 1996, when the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (l) of this Section for a position with duties that involve direct care for residents, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA Criminal History Record Check has not been conducted within the last 12 months, the facility must initiate or have initiated on its behalf a UCIA criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act)
- e) No later than January 1, 1997, a facility must initiate a UCIA criminal history record check for all employees who were hired before January 1, 1996, who have not already had a UCIA criminal history record check, and who are not exempt because of subsection (m) of this Section with duties that involve direct care for residents. (Section 30(d) of the Health Care Worker Background Check Act)
- f) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)
- g) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (d) or (f) of this Section.
- h) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint UCIA criminal history record search check is made:
- 1) That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.
  - 2) That the applicant or employee has a right to obtain a copy of the criminal records report, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (k) of this Section.
  - 3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to - (16) of this Section unless the applicant's identity is validated and it is



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individual was not convicted of a disqualifying crime.

g) ~~not~~ This Section shall not apply to:

- 1) ~~An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State; or~~
- 2) ~~An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State (Section--20--of--the-Health-Care-Worker-Background-Check-Act); or~~
- 3) ~~A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)~~

l) ~~not~~ The facility must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.

s) ~~not~~ The facility shall retain on file for a period of 5 years records of criminal records requests for all employees--~~other than nurse-aides who are on the Department's Nurse Aide Registry~~. The facility shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files file shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

t) ~~not~~ The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 22 Ill. Reg. 361, effective FEB 14 1998)

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1) Heading of the Part: Illinois Water Well Construction Code

2) Code Citation: 77 Ill. Adm. Code 920

3) Section Numbers: Adopted Action:  
 920.10 Amendment  
 920.15 Amendment  
 920.30 Amendment  
 920.40 Amendment  
 920.60 Amendment  
 920.70 Amendment  
 920.80 Amendment  
 920.90 Amendment  
 920.100 Amendment  
 920.120 Amendment  
 920.130 Amendment  
 920.180 Amendment  
 920.Illustration A Amendment  
 920.Illustration B Amendment  
 920.Illustration C Amendment  
 920.Illustration D Amendment  
 920.Illustration E Amendment  
 920.Illustration F Amendment  
 920.Illustration G Amendment  
 920.Illustration H Amendment  
 920.Illustration I Amendment  
 920.Illustration J New Section  
 920.Illustration K New Section  
 920.Illustration L New Section

4) Statutory Authority: Implementing and authorized by the Illinois Water Well Construction Code [415 ILCS 30]

5) Effective Date of Amendments: April 1, 1998

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain any Incorporation by Reference? No

8) Date Filed in Agency's Principal Office: February 3, 1998

9) Date Notice of Proposed Amendments was Published in the Illinois Register: 21 Ill. Reg. 5018 - April 25, 1997

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No

11) Difference Between Proposal and Final Version:



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In Section 920.10 the following new definitions have been added:

"Undesirable Water" means water that contains contamination which exceeds Class I Groundwater Standards adopted in the Groundwater Quality Standards Code (35 Ill. Adm. Code 620, Subpart B).

"Premie Method" means an industry method of applying grout to the annular space by pumping grout through a pipe that is inserted into the annular space to fill the space with grout from the bottom upward until the annular opening is filled or to the point of pitless adapter attachment.

In Section 920.40(c), concerning undesirable geological formations, the following new language has been added:

When multiple water-bearing formations of different static water levels are penetrated in the construction of a water well and the lower water-bearing formation has sufficient yield for the water well, the upper water-bearing formations shall be excluded by installing casing or a liner and properly sealing to prevent the dewatering of the upper water-bearing formations.

Section 920.60(b)(2) has been revised by inserting language that was inadvertently omitted from this subsection in the proposed rulemaking:

While the casing is being driven, the bottom of oversized hole shall be filled with granulated bentonite or natural clay mixture.

In Section 920.80(c) the following new language is added concerning the well casing of a bored or dug well with buried slab construction:

The casing shall be firmly imbedded in a uniformly tapered hole that is formed when the reinforced concrete buried slab is manufactured, the hole size tapering in diameter from 1/2 inch greater than the outside diameter of the riser pipe to 1/2 inch smaller than the outside diameter of the riser pipe or shall be connected to a pipe cast in a reinforced buried concrete slab.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? Yes

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking adopts the latest industry standards, clarifies existing rules and updates illustrations to

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correspond with changes in rules. Specifically, the rulemaking makes the following changes:

Section 920.40. Adds requirements for well vents to be consistent with the Water Well Pump Installation Code (77 Ill. Adm. Code 925).

Section 920.60. Amends requirements for drilled wells constructed in unconsolidated formations.

Section 920.70. Deletes plastic casing installation requirements that do not pertain to rock wells.

Section 920.80. Amends requirements for bored well construction with buried slabs by specifying casing joints to be made in accordance with Section 920.90(c) and adds the requirement that a bentonite seal be installed over the buried slab. Amends casing and drop requirements for driven wells.

Section 920.90. Moves the requirements for plastic water well casing installations from Section 920.70 to Section for 920.90 for purposes of clarification.

Section 920.100. Clarifies requirements for upper terminals to be consistent with the Water Well Pump Installation Code.

Section 920.120. Amends water well sealing requirements by deleting a redundant provision. Requires casing of abandoned wells to be removed 2 feet instead of 3 feet below grade. Allows casing to remain in place in locations where casing terminates in a building floor.

Section 920.130. Amends water well permit application requirements.

Section 920.180. Amends construction and abandonment requirements for closed-loop wells.

Section 920. Illustration A. Clarifies requirements for drilled wells with oversized drill holes in unconsolidated formations, in accordance with Section 920.60.

Section 920. Illustration B. Clarifies requirements for drilled wells with mechanically driven casing in unconsolidated formations, in accordance with Section 920.60.

Section 920. Illustration C. Clarifies requirements for drilled wells in unconsolidated formations utilizing gravel wall construction, in accordance with Section 920.60.

Section 920. Illustration D. Clarifies requirements for drilled water

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wells constructed in creviced formations, with earth cover less than 30 feet thick, in accordance with Section 920.70.

Section 920.Illustration E. Clarifies requirements for drilled wells in creviced formations, with earth cover over 30 feet thick, in accordance with Section 920.70.

Section 920.Illustration F. Clarifies requirements for drilled wells with mechanically driven casing in creviced formations, in accordance with Section 920.70.

Section 920.Illustration G. Clarifies requirements for bored wells not finished with buried slab, in accordance with Section 920.80.

Section 920.Illustration H. Clarifies requirements for bored wells with buried slab construction, in accordance with Section 920.80.

Section 920.Illustration I. Clarifies requirements for driven wells, in accordance with Section 920.80.

Section 920.Illustration J. Clarifies the sealing of abandoned wells extending into creviced formations, in accordance with Section 920.120.

Section 920.Illustration K. Clarifies the sealing of abandoned dug or bored wells, in accordance with Section 920.120.

Section 920.Illustration L. Clarifies the sealing of abandoned wells extending into more than one water bearing formation.

16) Information and Questions Regarding this Adopted Rulemaking Should be Directed to:

Gail M. DeVito  
Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, IL 62761  
(217) 782-2043  
E-mail: rules@idph.state.il.us

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER I: WATER AND SEWAGE

PART 920  
ILLINOIS WATER WELL CONSTRUCTION CODE

Section	Definitions
920.10	Incorporated or Referenced Materials
920.15	Scope
920.20	General Requirements
920.30	Design Factors
920.40	Location
920.50	Drilled Wells in Unconsolidated Formations
920.60	Drilled Well Construction in Consolidated Formations
920.70	Special Type Wells
920.80	Construction Materials and Other Requirements
920.90	Finishing and Testing
920.100	Modification of Wells
920.110	Abandoned Wells
920.120	Permit Requirements
920.130	Administrative Hearings
920.140	Designation of Agents of the Department
920.150	Issuance of Water Well Permits by Units of Local Government or Local Health Departments
920.160	Monitoring Wells
920.170	Closed-Loop Wells
920.180	Assurance of Potable Water Supply
920.190	Steel Casing and Liner Pipe Weights and Dimensions
TABLE A	Plastic Casing and Liner Pipe Specifications
TABLE B	Unconsolidated Formations: Oversized Drill Hole with Non-Stable-Overburden
ILLUSTRATION A	Unconsolidated Formations: Mechanically Driven Casing with Stable-Overburden
ILLUSTRATION B	Gravel Pack Well Construction
ILLUSTRATION C	Auger--Retew Creviced Formations: Earth Cover Less Than 30 Feet Thick
ILLUSTRATION D	Creviced Formations: Earth Mantle Cover Over 30 Feet Thick - Oversized Drill Hole
ILLUSTRATION E	Creviced Formations: Earth Cover Over 30 Feet Thick - Mechanically Driven Casing Bored-or-Bug-Well---Well
ILLUSTRATION F	Not-Finished With Buried-Slab Bored or Dug Well - Well Not Finished With Buried Slab
ILLUSTRATION G	Bored-or-Bug-Well--Buried-Slab-Construction
ILLUSTRATION H	Bored or Dug Well - Buried Slab Construction Installation of-a-Driven-Well
ILLUSTRATION I	Installation of a Driven Well

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"Cement" means a mixture consisting of cement, sand and water in the proportion of one bag of cement (94 pounds) and an equal volume of dry sand to not more than 6 gallons of clean water.

"Chemical Injection System" means any device or combination of devices having hose, pipe or other methods of conveyance which connect directly to any water well through which a mixture of water, pesticides and fertilizers are mixed or are drawn and applied to land, crops, and/or plants at agricultural, nursery, turf, golf course, or greenhouse sites.

"Clay-Slurry" means a mixture of water and clay.

"Closed-Loop Well" means a sealed, watertight loop of pipe buried outside of a building foundation which is intended to recirculate a liquid solution through a heat exchanger.

"Community Water System" means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days per year. (Section 9(a)(1) of the Illinois Groundwater Protection Act (1991-Rev. Stat. 1991, ch. 112, par. 7459(a)(1)) [415 ILCS 55/9(a)(1)]).

"Consolidated Formation" means a geological formation which is firm such as rock.

"Construction" means all acts necessary to obtaining ground water by wells, including excavation of the well, but excluding the installation of permanent pumps and pumping equipment.

"Contaminant" means any physical, chemical, biological, or radiological substance or matter in water. (Section 9(a)(2) of the Illinois Groundwater Protection Act (1991-Rev. Stat. 1991, ch. 112, par. 7459(a)(2)) [415 ILCS 55/9(a)(2)]).

"Department" means the Illinois Department of Public Health.

"Driven Water Well" means a well constructed by joining a drive point with lengths of pipe and then driving or jetting the assembly into the ground with percussion equipment or by hand.

"Environmental Protection Act" means the Environmental Protection Act (1991-Rev. Stat. 1991, ch. 112, par. 1001 et seq.) [415 ILCS 5].

"Established Ground Surface" means the elevation of the ground surface at the site of the well.

"Finished Ground Surface" means the final or permanent elevation of

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ILLUSTRATION J Sealing an Abandoned Well - Extending into a Creviced Formation  
ILLUSTRATION K Sealing an Abandoned Dug or Bored Well  
ILLUSTRATION L Sealing an Abandoned Well Extending into More Than One Water Bearing Formation

AUTHORITY: Implementing and authorized by the Illinois Water Well Construction Code [415 ILCS 30].

SOURCE: Adopted September 12, 1973; amended at 2 Ill. Reg. 42, p.35, effective October 16, 1978; rules repealed, new rules adopted and codified at 7 Ill. Reg. 9633, effective August 1, 1983; amended at 12 Ill. Reg. 2990, effective January 13, 1988; amended at 13 Ill. Reg. 11796, effective July 1, 1989; amended at 14 Ill. Reg. 228, effective January 1, 1990; amended at 14 Ill. Reg. 14871, effective September 1, 1990; amended at 15 Ill. Reg. 18188, effective January 1, 1992; amended at 16 Ill. Reg. 17684, effective November 30, 1994; amended at 22 Ill. Reg. 1, effective APR 1 1998.

Section 920.10 Definitions

"Abandoned Well" means a water or monitoring well which is no longer used to supply water, or which is in such a state of disrepair that the well or boring has the potential for transmitting contaminants into an aquifer or otherwise threatens the public health or safety.

"Act" means the Illinois Water Well Construction Code [415 ILCS 30] (1991-Rev. Stat. 1991, ch. 112, par. 11611 et seq.).

"Annular Space" means the opening between a well-hole excavation and the well casing or between a casing pipe and a liner pipe.

"Aquifer" means a water bearing formation that transmits water in sufficient quantity to supply a well.

"Bentonite Grout" means a manufactured grout product which is a mixture of sodium bentonite and water mixed at the manufacturer's recommended ratio; a mixture of granulated sodium bentonite and water which consists of a minimum of 20% solids bentonite clay and water that is equivalent to 9.4 pounds/gallon; a mixture of granulated sodium bentonite and clean drilling mud and water, weighing a maximum of 8.6 pounds/gallon, which consists of a minimum of 20% solids bentonite clay and clean drilling mud equivalent to 9.6 pounds/gallon; or sodium bentonite in the granulated or chip form. All bentonite products shall comply with NSF International requirements.

"Boring" means an excavation that is drilled, cored, driven, dug, or otherwise constructed which penetrates an aquifer or which may degrade the quality of the aquifer.



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the ground surface at the site of the well.

"Mechanically Driven" means a procedure by which a casing is fitted with a drive shoe and driven with a force sufficient to firmly seat the casing in rock or to the desired depth in unconsolidated formations.

"Modification" means any change, replacement, or other alteration of a water well. This includes, but is not limited to deepening of a well, replacing or repairing a casing, repair or replacement of well screen, installation of a pitless adapter and any other changes of a well structure.

"Monitoring Well" means a water well intended for the purpose of determining groundwater quality or quantity.

"Neat Cement Grout" means a mixture consisting of one bag of cement (94 pounds) to not more than six gallons of clean water. Additives such as bentonite or aquafel or similar materials may be added up to 6% by dry weight to increase fluidity or to control shrinkage.

"Non-Community Water System" means a public water system which is not a community water system, and has at least 15 service connections used by nonresidents, or regularly serves 25 or more nonresident individuals daily for at least 60 days per year. (Section 9(a)(4) of the Illinois Groundwater Protection Act (415 ILCS 55/9(a)(4)).

"Pitless Adapter Unit" means a factory assembled device consisting of a pitless well adapter, a mechanism which attaches to the well casing, and a well casing riser in a single unit, for the purpose of preventing contaminants from entering the well.

"Pitless Well Adapter" means an assembly of parts which will permit water to pass through the wall of the well casing or extension thereof; provides access to the well and to the parts of the water system within the well; and provides for the transportation of the water and the protection of the well and water therein, from surface contamination, parts or appurtenances to a pitless well adapter include, but are not limited to, the vent, the device(s) on or in the wall of the casing, and the cap or cover on top of the casing or casing extension.

"Potential Primary Source" means any unit at a facility or site not currently subject to a removal or remedial action which:

is utilized for the treatment, storage, or disposal of any hazardous or special waste (as defined in Section 3 of the

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Environmental Protection Act) not generated at the site; or

is utilized for the disposal of municipal waste not generated at the site, other than landscape waste (as defined in Section 3 of the Environmental Protection Act) and construction and demolition debris; or

is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste (as defined in Section 3 of the Environmental Protection Act) that is generated on the site or at other sites owned, controlled or operated by the same person; or

stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances.

(Section 3.59 of the Environmental Protection Act (Bill-Rev-Stat--1991-ch--111-1/27-par--1003-59) [415 ILCS 5/3.59])

"Potential Secondary Source" means any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source, which:

is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris; or

stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substances; or

stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance; or

stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or stores or accumulates at any time more than 10,000 pounds of any de-icing agent; or

is utilized for handling livestock waste or for treating domestic  
wastewaters other than private sewage disposal systems as defined  
in the Private Sewage Disposal Licensing Act (111-Rev-Stat-  
9917-ch-111-1/2-par-116-301) [25 ILCS 225].

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(Section 3.60 of the Environmental Protection Act (1991-1997-CH-111-1/27-Par-1003-60) [415 ILCS 5/3.60])

"Potential Route" means abandoned and improperly plugged wells of all kinds, (i.e., those wells not plugged in accordance with the provisions of this Part) drainage wells, all injection wells, including closed loop heat pump wells, and any excavation for the discovery, development or production of stone, sand or gravel. (Section 3.58 of the Environmental Protection Act (1991-1997-CH-111-1/27-Par-1003-50) [415 ILCS 5/3.58])

"Pressure Grouting" means the placement of grout by a method using positive pressure.

"Private Water System" means any supply which provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling. (Section 9(a)(5) of the Illinois Groundwater Protection Act (1991-1997-CH-111-1/27-Par-7459-6) [415 ILCS 55/9(a)(5)])

"Public Water System" means a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. The term "public water system" includes any collection, treatment, storage or distribution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. (Section 9(a)(6) of the Illinois Groundwater Protection Act (1991-1997-CH-111-1/27-Par-7459-6) [415 ILCS 55/9(a)(6)])

"Pumping Water Level" means the elevation of the water surface in a well when water is discharged by pumping.

"Semi-Private Water System" means a water supply which is not a public water system, yet which serves a segment of the public other than an owner-occupied single family dwelling. (Section 9(a)(7) of the Illinois Groundwater Protection Act (1991-1997-CH-111-1/27-Par-7459-6) [415 ILCS 55/9(a)(7)])

"Site" means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation under the Environmental Protection Act. (Section 3.43 of the Environmental Protection Act (1991-1997-CH-111-1/27-Par-1003-43) [415 ILCS 5/3.43])

"Tremie Method" means an industry method of applying grout to the

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annular space by pumping grout through a pipe that is inserted into the annular space to fill the space with grout from the bottom upward until the annular opening is filled or to the point of pitless adapter attachment.

"Unconsolidated Formation" means a geological formation above bedrock such as sand or gravel which is caving in nature.

"Undesirable Water" means water that contains contamination that exceeds Class I Groundwater Standards adopted in the Groundwater Quality Standards Code (35 Ill. Adm. Code 620, Subpart B).

"Unit" means any device, mechanism, equipment, or area (exclusive of land utilized only for agricultural production). (Section 3.62 of the Environmental Protection Act (1991-1997-CH-111-1/27-Par-1003-62) [415 ILCS 5/3.62])

"Water Bearing Formation" means any geologic formation which contains water.

"Well Cap" means that portion of the pitless well adapter used to enclose the atmospheric termination of the casing, which shall overlap the top of the casing extension with a downward flange.

"Water Well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial re-charge, or acquisition of ground water, except monitoring wells.

"Well Seal" means an arrangement or device used to establish a watertight closure at the junction of a well pump or piping with the well casing cover at the upper terminal of the well, the purpose of which is to prevent contaminated water or other material from entering the well.

(Source: Amended at 22 Ill. Reg. 11, effective APR 1 1998)

Section 920.15 Incorporated or Referenced Materials

The following federal and State regulations, standards, and statutes are incorporated or referenced in various Sections of this Part.

- a) The following standards are incorporated by reference:
  - 1) NSF International National Sanitation Foundation, Standard 56, Pitless Well Adapters (November 1992) and published by: NSF International, The National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106

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- 2) NSF International ~~National--Sanitation--Foundation~~, Standard 14-1990, Plastic Piping System Components and Related Materials and published by:  
~~The National--Sanitation--Foundation~~  
 NSF International  
 3475 Plymouth Road, P.O. Box 1468  
 Ann Arbor, Michigan 48106
- 3) American Society for Testing and Materials (ASTM) required standards are listed under Sections 920.90 and 920.180. List of approved steel and plastic well casing standards may be obtained from:  
 American Society for Testing and Materials  
 1916 Race Street  
 Philadelphia, PA 19103
- 4) Underwriter's Laboratories, Inc., Standard for Safety UL 1995 (1990), Heating and Cooling Equipment, and published by:  
 Underwriter's Laboratories, Inc.  
 333 Pfingster Road  
 Northbrook, Illinois 60062
- b) The following statutes are referenced:  
 1) Environmental Protection Act, Title IV, Public Water Supplies [415 ILCS 5/Title IV)]  
 2) Illinois Water Well and Pump Installation Contractor's License Act [225 ILCS 345]  
 c) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.  
 d) All materials incorporated by reference are available for inspection and copying at the Department's Central Office, Division of Environmental Health, 525 West Jefferson - Third Floor, Springfield, Illinois 62761.

(Source: Amended Act at 1990<sup>22</sup> Ill. Reg. 35, effective 1/1/90)

## Section 920.30 General Requirements

- a) Authorized Constructor. Water wells subject to this Part shall be constructed only by persons having a valid license under the Illinois Water Well and Pump Installation Contractor's License Act (~~415~~--~~Rev. Stat--1991~~--~~ch--111~~--~~para--7101-et-seq~~) [225 ILCS 345] unless exempt under provisions of that Act.
- b) Reports. Within 30 days after a water well has been constructed or deepened, the contractor shall submit a report of construction ~~and pump--installation~~ to the Department on such forms as are prescribed and furnished by the Department.
- c) Variance.

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- 1) If conditions exist at a proposed installation site which preclude compliance with the requirements of this Part, a variance shall be requested and shall be approved before well construction begins. ~~The~~ the contractor may request a variance by submitting to the Department or a local health department, approved under Section 920.150 and 920.160, a written request outlining a specific proposal to be used in lieu of compliance with this Part. The request shall include a plot plan of the property showing lot size, the location of sewers, septic tanks, buildings, seepage fields, and other sources of contamination on the property and adjacent property with distances shown to the proposed well. A description of geological and soil conditions shall also be included. The Department or approved local health department shall approve the variance if the proposal is in accordance with accepted public health and sanitary engineering principles and practices, and if the resulting water well installation can be expected to provide a continuously safe and sanitary water supply. The Department or approved local health department will notify the applicant in writing of its decision either to grant or deny the variance. ~~A--variance--shall--be requested--and--approved--before--well--construction--begins--~~  
 2) ~~After--a--well--has--been--drilled--for--which--a--variance--has--been issued--the--contractor--shall--submit--two--water--samples--to--the Department--laboratory--for--analysis--after--the--well--is--completed--the--first--sample--shall--be--submitted--within--30--days--and--the second--sample--shall--be--submitted--within--60--days--following completion--of--the--well--but--not--less--than--30--days--following collection--of--the--first--sample--The--Department--shall--approve--the variance--if--the--proposal--is--in--accord--with--accepted--public--health and--sanitary--engineering--principle--and--practices--and--if--the resulting--water--well--pump--installation--can--be--expected--to--provide a--continuously--safe--and--sanitary--water--supply--~~  
 2)3) Examples of location problems that which would preclude compliance with this Part would be the proposed location of a well too close to septic tanks, buildings, sewer lines, or barnyards.  
 3)4) Examples of public health and engineering principles that would be considered in issuing a variance would be ground surface conditions, depth of the water table, the location of sources of contamination, the ability of the existing soil to remove bacteria, and geologic conditions.  
 4) After a well has been drilled for which a variance has been issued, the contractor shall submit 2 water samples to the Department laboratory for analysis. The first sample shall be submitted within 30 days after the pump is installed and operated; the second sample shall be submitted within 60 days after start-up of the pump, but not less than 30 days after collection of the first sample.



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(Source: Amended at 22 Ill. Reg. 3986, effectiveAPR 1 1998)

## Section 920.40 Design Factors

The design of each well shall include the following:

- a) Natural Protection. Location of the well shall include utilization of every natural protection available to promote sanitary conditions.
- b) Geological Formations. The well construction shall be adapted to the geologic formations and ground water conditions at the site, but shall comply with the requirements in this Part.
- c) Undesirable Geological Formations. Water bearing formations shall be excluded by installing casing or a liner and properly sealing when such formations contain undesirable water. When a contaminated formation is to be excluded, the liner must be grouted in place, in accordance with Section 920.90(h), from 10 feet below the bottom of the contaminated formation to at least 10 feet above the top of the contaminated formation. When multiple water-bearing formations of different static water levels are penetrated in the construction of a water well and the lower water bearing formation has sufficient yield for the water well, the upper water-bearing formations shall be excluded by installing casing or a liner and properly sealing to prevent the dewatering of the upper water-bearing formations. ~~or--when the--primary--purpose--for the well is to withdraw water from a deeper formation:~~
- d) Capacity. Capability of the well to produce as much of the desired water quantity as the aquifer or aquifers can safely furnish.
- e) Durability. Construction methods and materials shall provide a durable well capable of maintaining safe water and protecting the aquifer.
- f) Pitless Well Adapters. No well casing shall be cut off or cut into below ground surface except to install a pitless well adapter below the frost level. Pitless well adapters or pitless units installed on plastic well casing shall be pressurized at the point of attachment with the well casing, unless the pitless unit is solvent welded onto the plastic casing and the riser casing of the pitless unit is plastic. Pitless well adapters installed on steel well casing shall be pressurized at the point of attachment with the well casing, unless the pitless unit is threaded or welded onto the well casing. ~~Pitless well adapters shall be pressurized at the point of attachment with the well casing, unless the pitless unit is threaded onto a well casing.~~ The annular opening between the well casing and the well bore hole or any excavation made to install the pitless adapter shall be filled with earth to minimize settling and mounded to provide drainage away from the well. The contractor installing the pitless well adaptor shall be responsible for the installation of the earth backfill. Pitless well adapters shall comply with the requirements of the NSF International ~~National Sanitation Foundation (NSF)~~ Standard Number 56

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entitled Pitless Well Adapters and shall be tested and approved as meeting this standard by Allied Laboratories, 716 North Iowa Avenue, Villa Park, Illinois, and shall be listed by the Department as meeting this standard. A list of approved pitless well adapters will be periodically updated and a copy of this list may be obtained from the Department.

- g) Well Caps. There shall be no openings through the well cap except for a factory-installed vent, air line connection and power supply wiring unless a proposal is submitted to and approved by the Department. The proposal must show that any entrance into the well cap is watertight. In addition, well caps shall:
  - 1) Prevent surface water from entering the water supply.
  - 2) Be secured in position.
  - 3) Be removable with tools only.
  - 4) Be resistant to weathering and corrosion.

- h) Chemical Injection System. Where a chemical injection system is directly connected to a water well used for irrigation, a backflow device shall be installed in accordance with Section 925.40 of the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925).

- i) Vents. Vent piping shall be of adequate size to allow equalization of air pressure in the well. For wells that are greater than four inches in diameter, the vent shall be not less than one-half inch in diameter. Vent openings shall be located in such a manner as to prevent contamination of the well and shall be reasonably tamper-proof. The vent opening shall be turned down, secured in position and screened with not less than 24-mesh durable screen or filtered in such a manner as to prevent the entry of insects. The vent opening shall terminate at least 8 inches above finished grade, or 24 inches above maximum high water level in areas where flooding occurs. Particular attention shall be given to proper venting of wells in areas where toxic or inflammable gases are known to be a characteristic of the water. If determined that either of these types of gases are present, all vents located in buildings shall be extended to discharge outside of the building at a height where the vent will not be a hazard. Venting is required on all wells except driven water wells and flowing wells.

(Source: Amended at 22 Ill. Reg. 3986, effective APR 1 1998)

## Section 920.60 Drilled Wells in Unconsolidated Formations

- a) General. Unconsolidated formations such as sand and gravel may extend to or near the ground surface. Generally, however, they lie below the ground surface at varying depths and are covered by an overburden of earth. The kind, nature and depth of the overburden are factors in determining how a well shall be constructed.
- b) Unconsolidated Formations.

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1) Wells constructed in unconsolidated formations shall have a minimum of 20 feet of permanent casing installed. When an oversized drill hole is constructed for the installation of the casing, the diameter of the drill hole shall be a minimum of 4 inches greater than the inner diameter of the casing. If plastic well casing is installed, it shall be installed as required in Section 920.90(g). After the casing is installed, the annular space shall be grouted as provided in Section 920.90(h). (See Illustration A.)

2) When the casing is installed by mechanically driving the casing, granulated bentonite shall be mounded around the casing while it is being driven or an oversized hole shall be constructed to a depth sufficient to allow removal of the drive nipple and installation of a joint of casing. While the casing is being driven, the bottom of the oversized hole shall be filled with granulated bentonite or natural clay mixture. After the casing is installed, the annular space that exists around the well casing shall be either grouted as required in Section 920.90(h) or, when the diameter of the oversized hole is a minimum of 4 inches greater than the inner diameter, the annular space that exists around the well casing can be filled with natural clay. (See Illustration B.)

with---Non-Stable---Overburden---Wells constructed in unconsolidated formations which extend to the full depth of the well shall have a permanent casing installed governed by the pumping level in the finished well. For pumping levels greater than 20 feet below the ground surface, the casing shall extend 5 feet below the pumping level. For pumping levels 20 feet or less below the ground surface, the casing shall extend 10 feet below the pumping level. Under no conditions shall there be less than 20 feet of permanent casing installed. Since the stable overburden cannot be expected to form a continuous contact seal with the casing, sealing of the annular opening between the casing and the drill hole must be effected. This can be accomplished by constructing an upper drill hole having a diameter four inches greater than the inner diameter of the casing to be installed and extending to a depth of at least 20 feet. The upper drill hole shall be sealed with clay slurry bentonite grout or cement grout after the casing is in place. (See Illustration B.)

c) Unconsolidated Formations with Stable Overburden: Wells constructed in geological formations such as sand and gravel which are below clay glacial till or other relatively stable soil shall have a casing installed governed by the pumping level. For pumping levels greater than 20 feet, the casing shall extend 5 feet below the pumping level. For pumping levels 20 feet or less, the casing shall extend 10 feet below the pumping level. Under no conditions shall there be less than 20 feet of permanent casing installed. Since the stable overburden cannot be expected to form a continuous contact seal with the casing, sealing of the annular opening between the casing and the drill hole must be effected. This can be accomplished by constructing an upper drill hole having a diameter four inches greater than the inner diameter of the casing to be installed and extending to a depth of at least 20 feet. The upper drill hole shall be sealed with clay slurry bentonite grout or cement grout after the casing is in place. (See Illustration B.)

d) Gravel Pack Well Construction. When an over-sized drill hole is

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constructed to permit the placement of a gravel pack well around the well screen, the diameter of the drilled hole shall be a minimum of 4 inches greater than the inner diameter of the casing. The annular opening between the casing and drill hole shall be grouted in accordance with Section 920.90(h) sealed in the top 20 feet or 20 feet below the point of pitless adapter attachment with concrete, neat cement or bentonite grout. If a permanent outer casing is installed, it shall extend to a depth of at least 20 feet and depending on the formations present, the annular opening between the drill hole and the outer casing shall be grouted in accordance with Section 920.90(h) sealed with clay slurry, bentonite or cement grout. The annular opening between inner and outer casings shall be sealed with concrete, bentonite or cement grout in the upper 20 feet or 20 feet below the point of pitless adapter attachment sealed at the top of the casing. The seal shall be made in such a manner as to prevent water or contaminants from entering the annular space between the inner and outer casing. If plastic well casing is installed, it shall be installed as required in Section 920.90(g). (See Illustration C.)

1) All gravel placed in the well shall be clean, washed and disinfected prior to placement or provisions made for disinfection in place.

2) Gravel refill pipes may be installed if they terminate above ground surface and are provided with watertight caps.

3) Wells designed for placement of an artificial gravel pack shall be provided with an adequate screen having openings sized on the basis of the grain size of the gravel. The well shall be developed to insure free entry of water without sediment.

(Source: Amendment 22 Ill. Reg. 35, effective 4/1/88)

## Section 920.70 Drilled Well Construction in Consolidated Formations

a) Crevice Formations - Drift or Earth Cover Less Than 30 Feet. A crevice created or cracked formation, limestone or dolomite which is the upper bedrock formation and is overlain by a mantle of earth having a thickness less than 30 feet, shall be used as a source of groundwater supply when constructed by one of the following methods:

1) Where the drift or earth cover is less than 30 feet in thickness, the well casing shall extend to a depth of at least 40 feet below ground level. The diameter of the drill hole shall be a minimum of two inches greater than the inner diameter of the casing. The annular space shall be pressure cement grouted as provided for in Section 920.90(h). If plastic casing is installed, it shall be installed in accordance with Section 920.90(g). For pressure bentonite grout:

2) Where the well is drilled to obtain water from a lower formation the casing shall extend at least through the crevice formation



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and be seated in firm rock. The diameter of the drill hole through the creviced formation shall be a minimum of two inches greater than the inner diameter of the casing. The annular space shall be pressure cement grouted as provided in Section 920.90(h)(4). When an outer casing is left in place, the annular space between the casings shall be pressure cement grouted and the annular opening around the outer casing shall be grouted in accordance with Section 920.90(h). If plastic casing is installed, it shall be installed in accordance with Section 920.90(g). (See Illustration D.) Seated-with-clay---starry, bentonite-or-cement-grout---(See-illustration-D-7)

b) Drift or Earth Cover Over 30 Feet in Thickness.

1) When an oversized drill hole is constructed for the installation of the casing, the diameter of the drill hole shall be a minimum of two inches greater than the inner diameter of the casing. If plastic casing is installed, it shall be installed as required in Section 920.90(g). After the casing is installed, the annular space shall be grouted as provided for in Section 920.90(h). (See Illustration E.)

2) When the casing is installed by mechanically driving the casing, granulated bentonite shall be mounded around the casing while it is being driven or an oversized hole shall be constructed to a depth sufficient to allow the removal of the drive nipple and installation of a joint of casing. While the casing is being driven, the bottom of the oversized hole shall be filled with granulated bentonite or natural clay mixture. After the casing is installed, the annular space that exists around the well casing shall be either grouted as provided for in Section 920.90(h) or, when the diameter of the oversized hole is a minimum of 4 inches greater than the inner diameter, the annular space that exists around the well casing can be filled with natural clay. (See Illustration F.) Where the earth-cover is greater than 30 feet in thickness, the casing shall be fitted with a drive shoe and be driven to a firm seat in the limestone or dolomite and the annular space around the casing through the earth mantle sealed with clay slurry, bentonite or cement grout. Plastic casing shall be installed as required in Section 920.90(d). (See Illustration E-7)

c) Flowing Artesian Well. Initial drilling operations shall extend into but not through the formation confining the water. The casing shall be installed and the annular opening between drill hole and casing shall be pressure grouted in accordance with Section 920.90(h). If plastic casing is installed, it shall be installed in accordance with Section 920.90(g). Pressure-sealed-with-cement-or-bentonite-grout-and allowed-to-set-in-accordance-with-Section-920.90(g)(4). The hole shall then be extended into the artesian formation. Flow control from the well shall be provided by valved pipe connections, watertight pump connections, or receiving reservoirs set at an altitude corresponding

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a) to the artesian head.  
Plastic-Casing-Installations---When-plastic-well-casing-is-installed-the-drill-hole-shall-be-a-minimum-of-two-inches-greater-than-the-inner-diameter-of-the-casing---The-pipe-spigot-and-socket-shall-be-cleaned-and-treated-with-a-cleaner-primers---Joints-shall-be-solvent-cemented-with-a-quick-setting-cement---Other-types-of-joints-may-be-evaluated-and-approved-by-the-Department---There-shall-be-no-penetrations-through-the-inner-casing---A-coupling-shall-be-cemented-on-the-bottom-of-the-casing-to-stabilize-it-in-the-hole---A-steel-nipple-five-to-ten-feet-long-may-be-used-on-the-bottom-of-the-casing-in-lieu-of-the-coupling---In-rock-wells---the-casing-shall-be-set-into-the-rock-a-minimum-of-three-feet-to-prevent-sealing-around-the-end-of-the-casing---In-areas-where-the-water-is-obtained-at-the-rock-surface---the-casing-shall-be-set-just-above-the-rock---A-formation-packer-shall-be installed-just-above-the-bottom-of-the-casing---The-annular-opening-between-the-casing-and-wall-of-the-drill-hole-shall-be-sealed-in-accordance-with-Section-920.90(g)(4) with bentonite slurry or neat cement grout for both rock and drift wells.

(Source: Amended at 22 Ill. Reg. effective  
APR 1 1986)

## Section 920.80 Special Type Wells

- a) General. Wells in this classification are dug, bored, driven, and radial collector. The choice of any one of these as opposed to a drilled well is largely dictated by the characteristics of the water bearing formations or aquifers in the local areas.
- b) Bored or Dug Well - Well Not Finished With Buried Slab. Bored or dug wells that are not finished as buried slab wells shall comply with the following: (See Illustration G.)
- 1) Annular Opening. The open space between the excavation and the installed casing shall be grouted with concrete. The concrete shall be a minimum of six inches thick and be poured without construction joints from the ground surface to a minimum of ten feet below ground level. The contractor shall be responsible for the installation of the concrete grout. The diameter of the well bore below the grouting shall be a minimum of four inches greater than the outside diameter of the well casing and shall be filled with washed pea gravel to the well bottom.
  - 2) Upper Terminal. The casing shall extend at least 8 inches above finished ground surface. A cover slab at least four inches thick, adequately reinforced and having a diameter sufficient to extend to the outer edge of the casing shall be provided. The slab shall be constructed without joints. The top of the slab shall be sloped to drain to all sides and a watertight joint made where the slab rests on the well casing. A manhole, if installed, shall consist of a curb cast in the slab and extending



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four inches above the slab. The manhole shall have a watertight cover having sides which overhang the curb at least two inches.

A) A vent shall consist of pipe extending above the slab with the open end turned down and not less than six inches above the slab. The open end shall be covered with 24 mesh or finer screen of durable material.

B) Adequate sized pipe sleeve or sleeves shall be cast in place in the slab to accommodate the type of pump or pump piping proposed for the well.

c) Bored or Dug Well - Buried Slab Construction. The well casing shall be terminated at a depth of 10 feet or more below the ground surface. Well casing shall meet the requirements in Section 920.90. This casing shall be firmly imbedded in a uniformly tapered hole that is formed when the reinforced concrete buried slab is manufactured, the hole size tapering in diameter from 1/2 inch greater than the outside diameter of the riser pipe to 1/2 inch smaller than the outside diameter of the riser pipe or shall be connected to a pipe cast in a reinforced buried concrete slab. The connection shall be made in accordance with Section 920.90(c). The casing shall be a minimum of four inches in diameter and extend from the concrete slab to at least eight inches above finished ground surface. A bentonite seal that is a minimum of 12 inches in thickness shall be installed over the buried slab the entire diameter of the well. The annular opening between the casing pipe and the well bore shall be filled with clean earth thoroughly tamped to minimize settling, and mounded to drain away from the well. The contractor shall be responsible for the installation of the backfill. If a pitless adaptor is scheduled to be installed within seven calendar days, the earth backfill may terminate one foot below the frost level. The diameter of the well bore below the buried slab shall be a minimum of four inches greater than the outer diameter of the well casing and shall be filled with washed pea gravel to the well bottom. (See Illustration HS.)

d) Driven Well. The well point, drive pipe and joints shall be structurally suitable to prevent rupture during the driving of the well. If aids to driving are used, such as an augered starting hole or water jetting, the annular space around the drive pipe shall be sealed with cement grout or puddled clay. The type of pump proposed for the well will determine how the top ten feet or more of the well shall be completed. If the working barrel of a hand pump is to be located below ground surface, the upper portion of the well shall be enclosed in steel or iron casing pipe to a point below the barrel. So called "frost pits" curbed with stone, brick, tile, etc., are prohibited.

- 1) A minimum of 20 ±0 ft. of casing shall be provided for the drop pipe. (See Illustration IH.)
- 2) Driven wells shall not be constructed in basements.
- 3) Well seals or pitless adaptor units shall be employed in accordance with the Illinois Water Well Pump Installation Code.

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4) The casing used in driven wells shall be in compliance with Table A or Table B.

5) ~~The drop pipe shall extend below the pumping level and shall be at least 20 feet in length.~~

e) Radial Collector Well. Approval of plans for the well shall be obtained from the Department before construction. Factors that will be considered for approval of a radial collector well will include depth of well, types of soil formations, location of well and sources of potential contamination in the surrounding area.

(Source: Amended at 22 Ill. Reg. 54, effective APR 1 1998)

## Section 920.90 Construction Materials and Other Requirements

a) Casing and Liner Pipe. In selection of casing and liner pipe, consideration shall be given to the stress to which the pipe will be subjected during construction and the corrosiveness of the water with which it comes in contact. Used or reject pipe shall not be used.

1) Steel well casing shall meet one of the following standards: American Society For Testing Materials (ASTM) A-53-93A or B, A-589-93, or American Petroleum Institute 5L, March, 1982 Edition and conform to the minimum standards given in Table A.

2) Plastic well casing and liners shall meet the requirements of ASTM Standard F480-94 P400-1 and the NSF International National Sanitation Foundation (NSF) Standard Number 14-1990, Plastic Piping System Components and Related Materials. Evidence of compliance shall be inclusion in the current NSF listing and display of the NSF seal on each section of casing, and marking the casing in accordance with the requirements of ASTM Standard F-480-94.

3) Plastic well casing and liners must be Standard Dimension Ratio (SDR) rated and conform to the minimum requirements given in Table B.

b) Outer Casing. Casing intended for construction purposes only shall be of weight and design as necessary to be watertight and permit installation without distortion or rupture to the specified depth and shall be removed upon completion of the well.

c) Joints. All casing and liner pipe joints shall be watertight. When the water well casing is to be extended, the joint shall be a threaded coupling or welded ~~welding~~ if the casing is metal, or the joint shall be solvent welded if the casing material is plastic. A pressurized connection shall be used when steel casing is used to extend plastic casing when the connection is within 20 feet of the ground surface.

d) Screens. Screen openings shall provide the maximum amount of open area consistent with strength of screen and the grading of the water bearing formation or gravel pack. The openings shall permit maximum

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transmitting ability without clogging or jamming. Screens shall be made of non-corrosive material.

e) Drive Shoe. Pipe that is to be driven shall be equipped with a drive shoe.

f) Grouting Guides. Casing that is to be pressure grouted in the drill hole or annular opening shall be provided with a centering shoe and shall have sufficient guides or centralizers to permit the unobstructed flow and deposition of the thickness of grout specified.

g) Plastic Casing Installations. When plastic well casing is installed, the pipe spigot and socket shall be cleaned and treated with a cleaner primer. Other types of joints may be evaluated and approved by the Department. There shall be no penetrations through the inner casing. A formation packer shall be installed just above the bottom of the casing. A coupling shall be cemented on the bottom of the casing to stabilize it in the hole. A steel nipple 5 to 10 feet long may be used on the bottom of the casing in lieu of the coupling. In rock wells, the casing shall be set into the firm rock a minimum of 3 feet to prevent leaking around the end of the casing. In areas where the water is obtained at the rock surface, the casing shall be set just above the rock.

hg) Grouting. Procedures and materials for grouting shall be as follows:

1) Grout. Grout shall be bentonite grout, or neat cement grout as described in Section 920.10. Concrete grout--the mixture shall consist of--cement, sand and water, in the proportion of one bag of cement (94 pounds), and an equal volume of dry sand--to not more than 6 (six) gallons of clean water.

2) Neat Cement Grout--The mixture shall consist of one bag of cement (94 pounds) to not more than six gallons of clean water. Additives--such as bentonite or aquajel or similar materials may be added up to 6% by weight to increase fluidity and to control shrinkage.

3) Bentonite Grout--The mixture shall consist of a minimum of 200 solids-bentonite clay and water which is an equivalent of--9.4 pounds/gallon.

2) Application. All cement or bentonite grouting shall be performed so that the grout is placed by adding the mixture from the bottom of the annular opening upward in one continuous operation until the annular opening is filled or to the point of pitless adapter attachment. Bentonite, aquajel, or similar materials may be added to the annular opening in the manner indicated for grouting, prior to the cement grouting, to seal any small crevices or fissures and assure that the annular space is open.

3) Setting Time. Drilling operations shall not be resumed until the cement grout has set. Neat cement grout shall set and hardened for at least 48 hours. When hi-early strength cement is used and at least 72 hours when regular cement is used. Setting time may be reduced from 48 hours with hi-early strength cement

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and 72 hours with regular cement by addition of manufacturers' approved chemicals and following manufacturers' recommendations for setting time. Bentonite grout shall set for a minimum of 1 hour from the start of placement of the grout at the bottom of the annular opening by Tremie Method or 1 hour after completion of grouting by other methods.

i) Plumbness and Alignment. The bore of the hole shall be sufficiently plumb and straight to receive the casing without binding. The casing shall be sufficiently plumb and straight so that it will not interfere with installation and operation of the pump.

j) Construction Water. Water used in the drilling process shall be obtained from a source which will not result in contamination of the well. All such water shall be treated so as to maintain a free chlorine residual as an extra precaution.

(Source: Amended Act at 1936, Ill. Reg. 3, effective 1-1-36)

## Section 920.100 Finishing and Testing

a) Upper Terminal. The casing or riser pipe shall be terminated at a height above finished ground surface consistent with proposed plans for a pump house and pump installation but not less than 8 inches above finished ground surface or 24 inches above maximum high water level where flooding occurs. The well shall be capped watertight until pump installation is made.

b) Disinfection. Only after the well has been effectively cleaned of all remaining drilling mud and drill cuttings can the well be disinfected. The well contractor shall be responsible for properly disinfecting the well upon completion. Disinfection shall also be done after the pump installation is completed. Sufficient chlorine shall be introduced to give a dosage of 100 parts per million to the water in the well.

1) Drilled Wells. The disinfection of drilled wells shall be accomplished in accordance with the following:

DIAM. WELL IN INCHES	GALLONS PER FT.	AMOUNT OF DISINFECTANT REQUIRED FOR EACH 100 GALLONS OF WATER
3	.37	LAUNDRY HYPOCHLORITE
4	.65	BLEACH (5.25% GRANULES (70% CHLORINE)
5	1.0	
6	1.5	
8	2.6	
10	4.1	3 CUPS
12	6.0	2 OUNCES

1 cup = 8 oz. measuring cup

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(2 cups = 1 pt.; 4 cups = 1 qt.)  
1 oz. = 1 heaping tablespoon granules  
(16 oz. = 1 lb.)

- A) Determine the amount of water in the well by multiplying the gallons per foot by the number of feet of water in the well.
  - B) For each 100 gallons of water in the well, use the amount of chlorine liquid or compound given in the above tables. Mix this total amount in about 10 gallons of water. If dry granules or tablets are used, they may be added directly to drilled wells.
  - C) Pour this solution into the top of the well before the seal is installed.
  - D) Connect one or more hoses from faucets on the discharge side of the pressure tank to the top of the well casing and start the pump, recirculating the water back into the well for at least 15 minutes. Then open each faucet in the system until a chlorine smell appears. Close all faucets. Seal the top of the well.
  - E) Let stand for several hours, preferably overnight.
  - F) After standing, operate the pump, discharging water from all outlets until all chlorine odor disappears. Faucets on fixtures discharging to septic tank systems should be throttled to a low flow to avoid overloading the disposal system.
- 2) Dug/Bored Wells. The disinfection of dug/bored wells shall be accomplished in accordance with the following:

Diameter of well (in feet)	3	4	5	6	7	8	10
Amount of 5.25% laundry bleach to use per foot of water (in cups)	1 1/2	3	4	1 1/2	6	9	12 18
Amount of 70% Hypochlorite granules to use per foot of water (in ounces)	1	2	3	4	6	8	12

- A) The amount of disinfectant required is determined primarily

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- B) by the amount of water in the well. The table above shows the amount of the chlorine to use for each foot of water in the well, according to its diameter.
  - C) To determine the exact amount of bleach to use, multiply the amount of disinfectant indicated as determined by the well's diameter times the number of feet of water.
  - D) This total amount of bleach shall be added to approximately 10 gallons of water, and splashed around the lining, or wall of the well. Be certain that the solution has contacted all parts of the well, using the entire amount of disinfectant. Seal the top of the well.
  - E) When this is done, pump enough water so the strong chlorine odor is evident. When the odor is detected, stop the pumping and allow the solution to remain in the well overnight.
  - F) After standing, operate the pump, discharging water from all outlets until all chlorine odor disappears. Faucets on fixtures discharging to septic tank systems shall be throttled to a low flow to avoid overloading the disposal system.
- 3) Water Samples. Upon completion of a new well or modification of an existing well, the contractor shall give the owner information prepared by the Department explaining the importance of water well sampling, procedures for sampling, and how the water can be tested to assure a safe supply of water.

(Source: Amended at 22 Ill. Reg. 35, effective

APR 1 1998)

Section 920.120 Abandoned wells

- a) Abandonment of Wells.
  - 1) The owner of a water well, boring, or monitoring well shall assure that such well is sealed within thirty (30) days after it is abandoned and when the well is no longer used to supply water or is in such a state of disrepair that the well or boring has the potential for transmitting contaminants into an aquifer or otherwise threatens the public health or safety. The Department shall grant an extension of this time provided the owner submits a written request to the Department indicating the reasons for the request and an estimate of time in which the well will be either sealed or reused. In granting an extension, the Department must be assured that applicable protective measures will be taken and the methods and materials will be in compliance with the Act and this Part. Applicable protective measures may include ensuring that sources of contamination are down grade from the water source, ensuring isolation of the potential source of contamination in such a manner as to prevent a route of



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contamination of the ground water, or isolating the potential source of contamination to prevent accidental introduction of contaminants into ground water.

- 2) Water wells shall be sealed by a licensed water well driller pursuant to the Water Well and Pump Installation Contractor's License Act. An individual who is not so licensed may seal a well, provided the well is located on land which is owned or leased by such individual and is used by such individual for farming purposes or as such individual's place of abode and provided a request is made to the Department or local health department prior to the commencement of sealing indicating how the water well is to be sealed and the materials to be used. The Department or local health department shall grant approval when requested prior to the commencement of sealing if the methods and materials are in compliance with this Section.

- b) Sealing Requirements. Where geologic data does not exist for a particular abandoned drilled water well, such water well shall be sealed, from the bottom up to where the well casing is removed, with neat cement grout or any bentonite product manufactured for water well sealing. Water wells, borings, or monitoring wells which are abandoned shall be disinfected by introducing a sufficient amount of chlorine to produce 100 parts per million of chlorine in the water in the well and shall be sealed by placing the sealing materials from the bottom of the well to the surface by methods that will avoid segregation or dilution of material in accordance with the following requirements:

- 1) Non-creviced, Consolidated formations. Wells extending into non-creviced sandstone, or other water bearing consolidated formations shall be sealed by filling the well with disinfected clean pea gravel or limestone chips to within 10 feet below the top of the water bearing formation or to within 10 feet of the bottom of the casing, whichever is less. Disinfection shall be accomplished by treating the area of the well which penetrates the aquifer in accordance with Section 920-100(b). Neat cement grout or any containing bentonite or aquajel from 28 to 68 by dry weight or pure bentonite product manufactured for water well sealing in any form shall be placed for a minimum of 20 feet above this point. The upper part of the well to where the well casing is removed shall be sealed by neat cement grout or any bentonite product manufactured for water well sealing. Concrete or cement may be used for such sealing, provided the upper part of the well is dry. (See Illustration J.) An impervious material shall be used to fill the upper part of the well to the surface. Creviced formations. Wells extended into creviced formations shall be sealed by filling with disinfected clean pea gravel or limestone chips to within 10 feet below the top of the water bearing formation or to within 10 feet below the bottom of the casing whichever is less. Neat cement grout containing bentonite or aquajel from 28 to 68 by dry weight or any pure

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bentonite product manufactured for well sealing in any form shall be placed for a minimum of 20 feet above this point. The upper part of the well to where the well casing is removed shall be sealed by neat cement grout or any bentonite product manufactured for water well sealing. Concrete or cement may be used for such sealing, provided the upper part of the well is dry. Where the earth cover is less than 30 feet, the hole shall be grouted from 10 feet below the creviced formation to where the well casing is removed. (See Illustration J.) An impervious material shall be used to fill the upper part of the well to the surface. Unconsolidated formations. In the event the water bearing formation consists of coarse gravel and producing wells are located nearby, the well shall be sealed by filling with disinfected clean pea gravel or limestone chips to 10 feet below the top of water bearing formation. Neat cement grout or any bentonite product manufactured for water well sealing shall be placed for a minimum of 20 feet above this point. The upper part of the well to where the well casing is removed shall be sealed by neat cement grout or any bentonite product manufactured for water well sealing. Concrete or cement may be used for such sealing, provided the upper part of the well is dry. Containing bentonite or aquajel from 28 to 68 by dry weight or pure bentonite in any form shall be placed for a minimum of 20 feet above this point. An impervious material shall be used to fill the remaining upper part of the well to the surface. Abandoned wells extending only into unconsolidated formations near the surface can be sealed by completely filling with concrete, cement grout, neat cement or impervious material such as clay. (See Illustration K.)

- 4) More than one water bearing formation. Where wells extend into more than one water bearing formation, each water bearing formation shall be sealed independently in the manner described in this Section. Neat cement grout or any bentonite product manufactured for water well sealing depending upon the type of formation encountered. A plug consisting of neat cement containing bentonite or aquajel from 28 to 68 by dry weight or pure bentonite in any form shall be placed a minimum of 10 feet above and below at all intermittent water bearing formations except artesian wells and artesian formations. Disinfected clean pea gravel or limestone chips shall be placed in each water bearing formation between plugs. When the lower formation has an upflow of water into the upper formation, a pressure seal is required to shut off the upflow while a neat cement plug at least 50 feet in length is pumped in place is placed and allowed to set. The upper part of the well to where the well casing is removed shall be sealed with neat cement grout or any bentonite product manufactured for water well sealing. Concrete or cement may be used for such sealing provided the upper part of the well

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is dry. (See Illustration L.) ~~An impervious material shall be used to fill all other parts of the well between plugs and the upper part of the well to the surface.~~

- 5) Artesian wells. In such wells, a cement retainer shall be used with pressure grouting equipment utilized to place cement grout.

Neat cement grout containing bentonite or aquajel from 2% to 6% by dry weight shall be placed for a minimum of 10 feet below and 10 feet above the water bearing formation. The upper part of the well to where the well casing is removed shall be filled with neat cement grout or any bentonite product manufactured for water well sealing. Concrete or cement may be used for such sealing. ~~provided the upper part of the well is dry. An impervious material shall be placed to fill the upper part of the well to the surface.~~

- 6) ~~Where the well casing consists of brick, stone, concrete, block or porous tile, or other porous material, the casing shall be removed to a depth of at least three (3) feet below the surface.~~

6.7) In lieu of filling the well with disinfected clean pea gravel or limestone chips as required ~~any of the requirements in subsections (b)(1) through (56) of this Section, wells may be sealed by grouting from the bottom up by using neat cement grout or any bentonite product manufactured for water well sealing containing bentonite or aquajel from 2% to 6% by dry weight or combination thereof, or pure bentonite in any form. This material shall be applied the full depth of the well and shall terminate within 2 three feet of the ground surface. Concrete grout may be used in the upper part of the well, provided the upper part of the well is dry. Where geologic data does not exist for a particular abandoned drilled water well, such water well shall be sealed from the bottom up to 3 feet below final grade by using neat cement containing bentonite or aquajel from 2% to 6% by dry weight or combination thereof, or pure bentonite in any form.~~

- c) Non-Producing well. Where a water well is drilled and a water bearing formation is not located, the water well shall be filled with clay, drill cuttings, or neat cement containing bentonite, aquajel or similar materials from 2% to 6% by weight, or pure bentonite in any form by the water well driller not more than ten (10) calendar days after the well has been drilled.

- d) The well casing or liner shall be removed to at least 3 feet below final grade, except where the well terminates with a concrete slab which is part of a building floor. Where the well terminates in a slab which is part of a building floor, the sealing material shall be placed flush with the floor. The pump and drop pipe shall be removed. Notification.

- e) 1) The Department, approved local health department, or approved unit of local government shall be notified by telephone or in writing at least 48 hours prior to the commencement of any work

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to seal a water well or monitoring well.

- 2) When a water, Boring or monitoring well is sealed, a A sealing form shall be submitted to the Department or approved local health department ~~when a water, boring or monitoring well is sealed by the individual performing the sealing not more than 30 days after the well is sealed.~~ The following information shall be submitted on forms provided by the Department:

- A) the date the water, boring or monitoring well was drilled;
- B) depth and diameter of the water, boring or monitoring well and diameter;
- C) location of the water, boring or monitoring well;
- D) type of sealing method used;
- E) original water well permit number if available;
- F) date the water, boring or monitoring well was sealed;
- G) type of water well (bored, dug, driven or drilled);
- H) whether the formation is clear of obstructions;
- I) casing record (explanation of the required removal); and
- J) water well driller's license number and name.

(Source: Amendment 22 Ill. Reg. ~~1998~~ <sup>1999</sup>, effective ~~1998~~ <sup>1999</sup>)

## Section 920.130 Permit Requirements

- a) Permit. ~~Effective January 1, 1990, a~~ A permit to construct or deepen a water well must be obtained from the Department or approved local health department prior to construction.

- b) Application. Application for a permit shall be made on the forms provided by the Department or approved local health department. All applications for permit shall include a plan and drawing of the proposed construction. At a minimum the plan must include:

- 1) a drawing indicating lot size, direction of slope, location of property lines and distances from proposed well construction to septic tanks, abandoned wells, property lines, seepage fields, sewers, and all other sources of contamination, and an indication of the type of contamination source;
- 2) water well driller's license number and name;
- 3) estimated daily pumping capacity if greater than 100,000 gallons per day;

- 4) the location of the water well including, county, city, street address or lot number, township, range, directions to the site (i.e., subdivision lot number, highway number, secondary roads, signs to follow, etc.), and section;

- 5) name and address of the owner of the well;
- 6) type of well to be constructed (bored, dug, drilled or driven);
- 7) an estimate of the depth of the well; and
- 8) type of well (i.e., non-potable use well such as an irrigation, livestock or industrial water well, private water well,



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semi-private water well, or non-community public water well); and-

- 2) Proposed aquifer.
- c) Expiration. A permit is void if construction has not commenced within one year of date of issuance.
- d) Water Well Fee. The fee to be paid for a permit to construct or deepen a water well shall be \$100.00.
- e) The Department shall grant permit requests which meet the requirements of the Act and this Part. The Department's standards for denial of a permit request are set forth in subsection (f).
- f) Groundwater Contamination.

1) The Department shall deny the approval of a permit request when available information indicates that the groundwater aquifer contains contamination which exceeds the Class I groundwater standards adopted in the Groundwater Quality Standards Code (35 Ill. Adm. Code 620). A potential public health problem may be detected on the basis of a sanitary survey, laboratory analyses, location of known sources of pollution, condition of water supply, type of construction or information from previous well owners which might indicate the water would be too hazardous to drink.

2) The Department shall grant approval of a request for a permit when approved treatment is shown to reduce contaminant levels below the levels of recognized health advisories or established by the Department and the federal government and referenced below. Such treatment includes, but is not limited to, sampling for additional contaminants, more frequent sampling for contaminants, or imposing of maximum contaminant levels specified in the Department's Drinking Water Systems Code (77 Ill. Adm. Code 900), or in recognized public health advisories concerning the safety of drinking water issued by the Department or USEPA U-S-E-P-A.

- g) Notification. Any Effective--January--17--1998,--any person who constructs or deepens a water well for which a permit has been issued under this Part, shall notify the Department, or approved local health department, or approved unit of local government by telephone or in writing at least two days prior to commencement of the work.

(Source: Amended at 22 Ill. Reg. 3973, effective APR 1 1998)

## Section 920.180 Closed-Loop Wells

- a) Construction. Each closed-loop well shall be grouted as required in Section 920.90(h), from a minimum of 30 feet below the top of the well upward in one continuing pour--Grouting materials shall consist of neat-cement--or neat-cement-containing bentonite--or aquafix--from 24 to 64--by--dry--weight--or pure-bentonite--in--any--form. Closed-loop wells

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shall not be located closer than 200 feet from a water well, except when the well is a private water system well and when the owner is the same for both the water well and the closed-loop well, in which case the water well shall not be closer than 75 feet from the closed-loop well.

- b) Piping pressure. The liquid in the closed-loop piping shall be maintained under pressure. The equipment shall be designed to shut down if there is any pressure loss in the system. The system must be pressure tested at a minimum pressure of 20 pounds per square inch by the installer after installation to ensure that there are no leaks in the piping or in the equipment system.
- c) Coolant. The solution used as coolant or the liquid which is pumped through the closed-loop well piping must be methanol, ethanol, propylene glycol, calcium chloride or ethylene glycol. These chemicals may be used only in concentrations of 20% or less. When copper piping is utilized, the coolant shall be hydrochlorofluorocarbon-22, or any equivalent refrigerant with less ozone depletion potential.
- d) Piping. All plastic piping shall be watertight and shall conform to ASTM D2666-89, D2447-89, D3035-91. All copper piping system and joints shall be watertight and conform to UL 1995. All joints in plastic piping shall be heat fusion welded.
- e) Abandonment. All vertical piping in closed-loop wells which is abandoned shall be physically disconnected from the horizontal piping and sealed with neat cement grout or any bentonite product manufactured for water well sealing fitted-with-bentonite--or--neat cement--grout by pressure grouting. All horizontal piping which is abandoned shall be removed or the coolant must be drained from the piping and disposed of off-site in accordance with State and local laws.
- f) Horizontal Piping Distances to Water Wells. Horizontal piping in a closed-looped system shall not be closer than 25 feet to any water well.
- g) Distances to Sources of Contamination. Closed-loop wells shall not be closer to the sources of contamination listed in Section 920.50(b)(1) than the distances to water wells specified in this Section.

(Source: Amended at 22 Ill. Reg. 3973, effective APR 1 1998)



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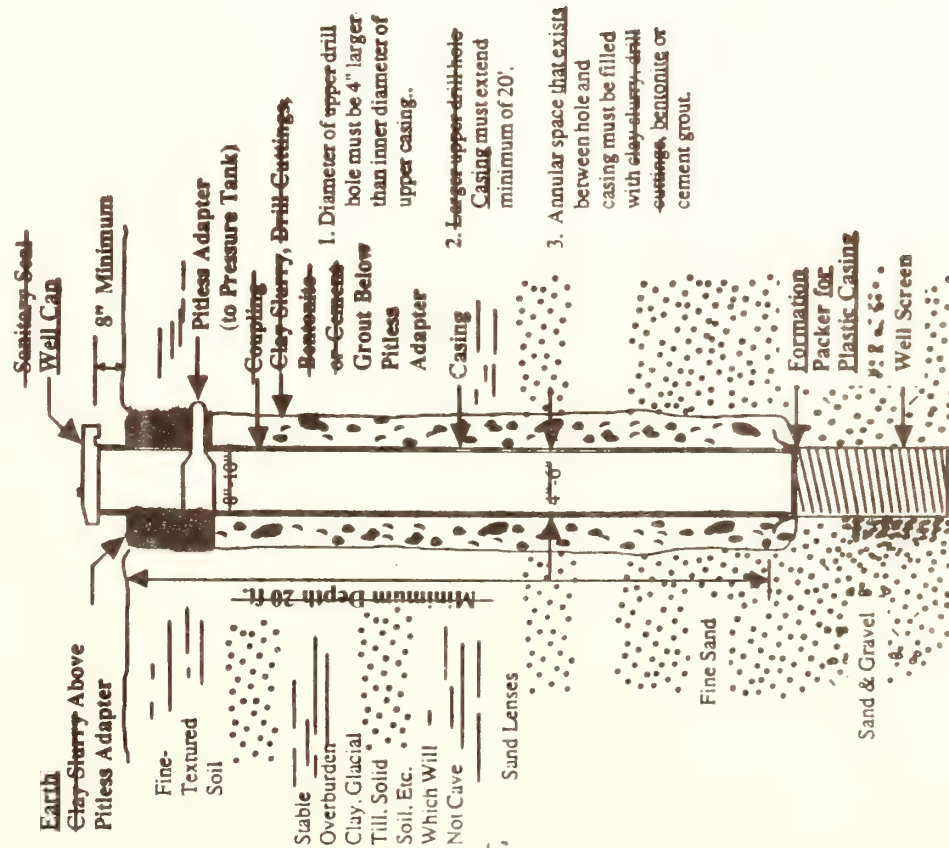
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Section 920. ILLUSTRATION A Unconsolidated Formations: Oversized Drill Hole with Non-Stable-Overburden

(Source: Former Section 920. Illustration A renumbered to Section 920. Illustration B; new Section 920. Illustration A renumbered from Section 920. Illustration B and amended at 22 Ill. Reg. effective April 1, 1998 )



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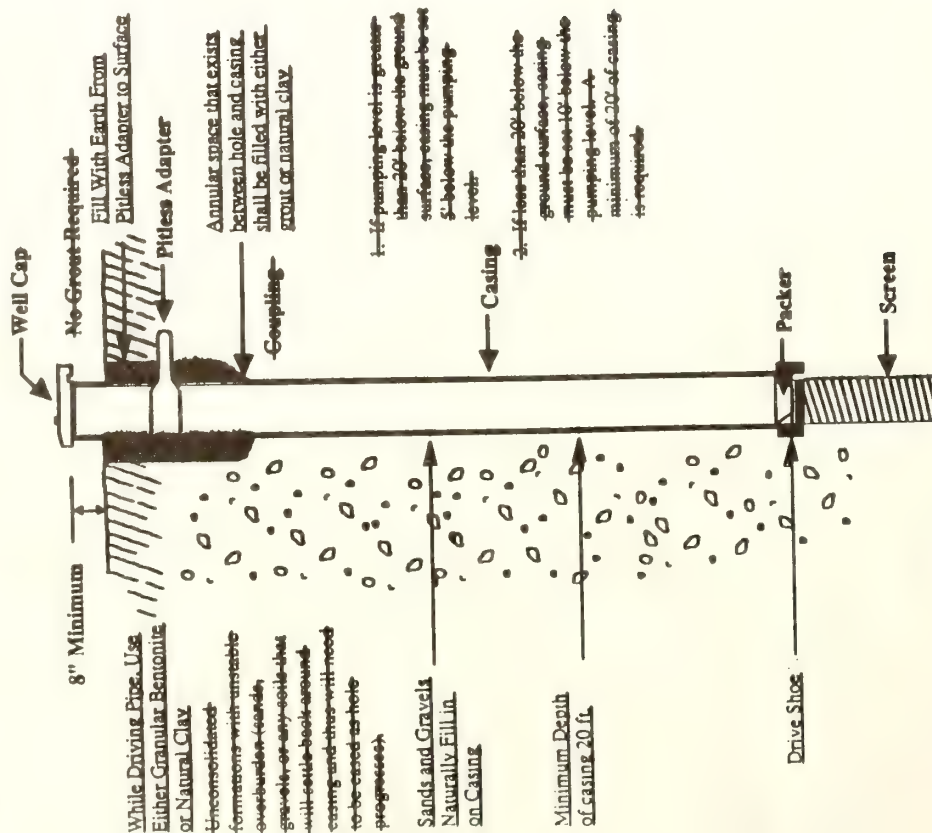
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Section 920. ILLUSTRATION B Unconsolidated Formations: Mechanically Driven Casing with Stable Overburden

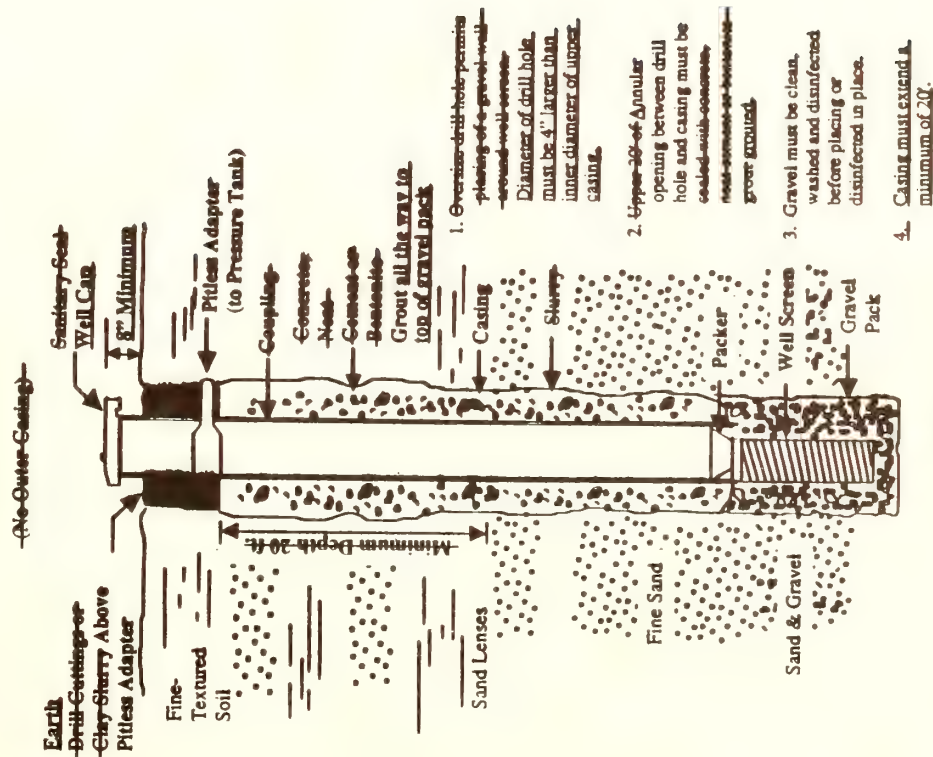
(Source: Former Section 920. Illustration B renumbered to Section 920. Illustration A; new Section 920. Illustration B renumbered from Section 920. Illustration A and amended at 22 Ill. Reg. effective APR 1998 )



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Section 920. ILLUSTRATION C Gravel Pack Well Construction

(Source: Amended at 22 Ill. Reg. 3500, effective  
APR 1 1998)

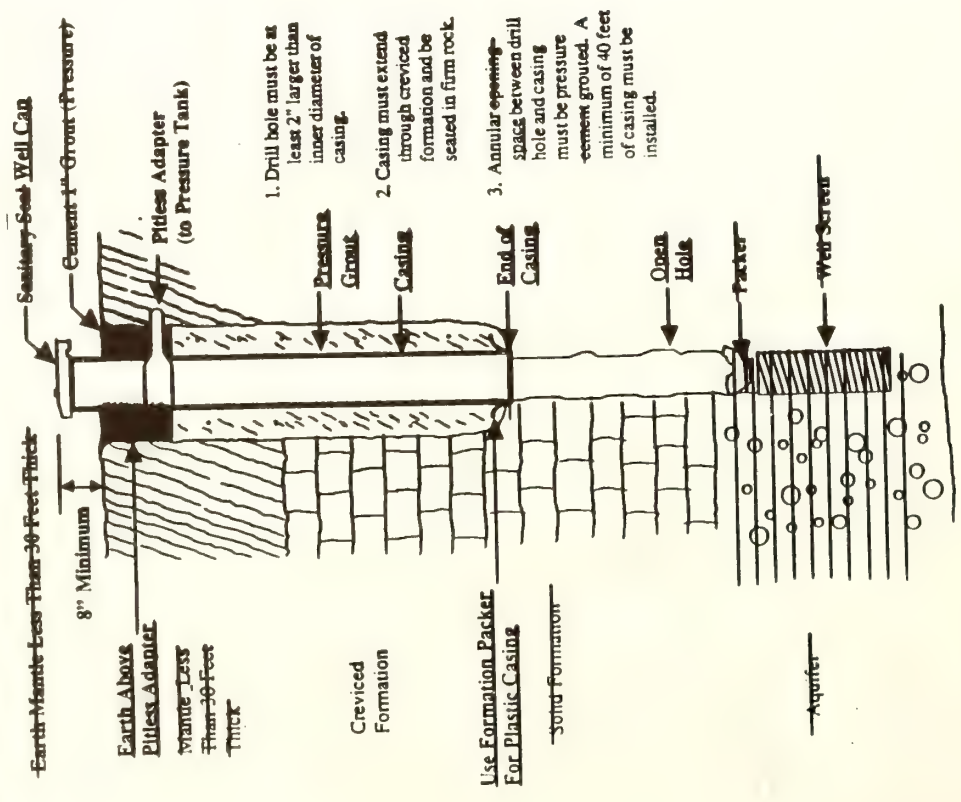




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 (Source: Amendment 1 at 1993 Ill. Reg. effective)

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Section 920. ILLUSTRATION D Aquifer--Below Creviced Formations: Earth Cover  
 Less Than 30 Feet Thick



1. Drill hole must be at least 2" larger than inner diameter of casing.
2. Casing must extend through creviced formation and be sealed in firm rock.
3. Annular opening-space between drill hole and casing must be pressure cement grouted. A minimum of 40 feet of casing must be installed.

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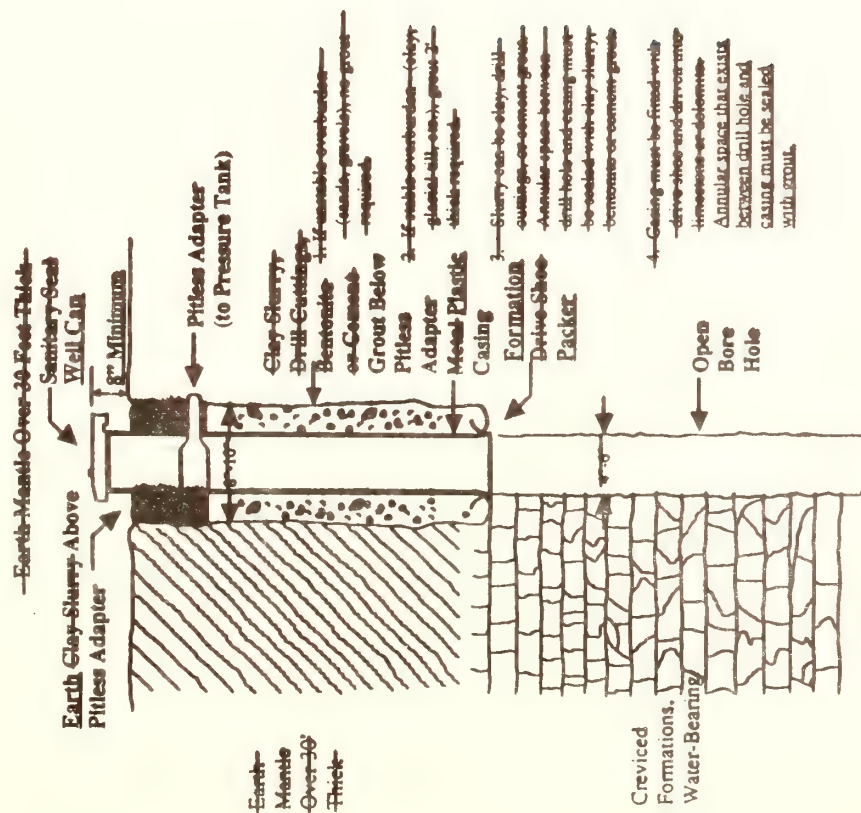
NOTICE OF ADOPTED AMENDMENT(S)

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Section 920. ILLUSTRATION E Creviced Formations: Earth Mantle Cover Over 30 Feet Thick - Oversized Drill Hole

(Source: Amended at 22 Ill. Reg. effective

APR 1 1996



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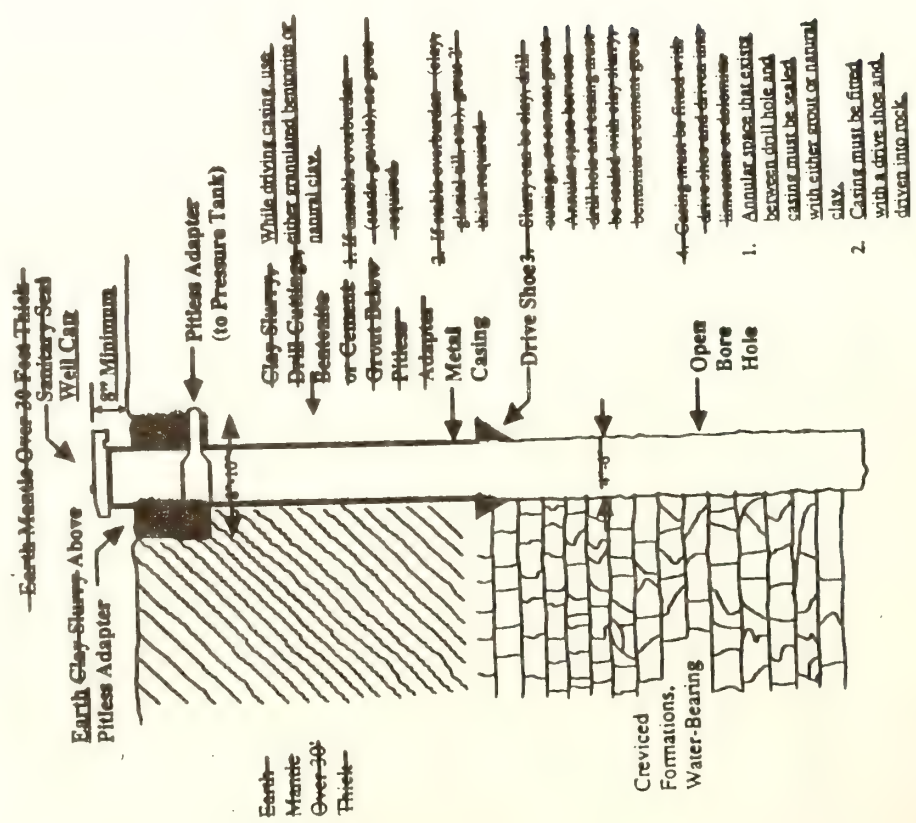
(Source: Former Section 920. Illustration F renumbered to Section 920. Illustration G; new Section 920. Illustration F added at 22 Ill. Reg. 1998, effective 1/1/98)

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Section 920. ILLUSTRATION F Creviced Formations: Earth Cover Over 30 Feet Thick - Mechanically Driven Casing

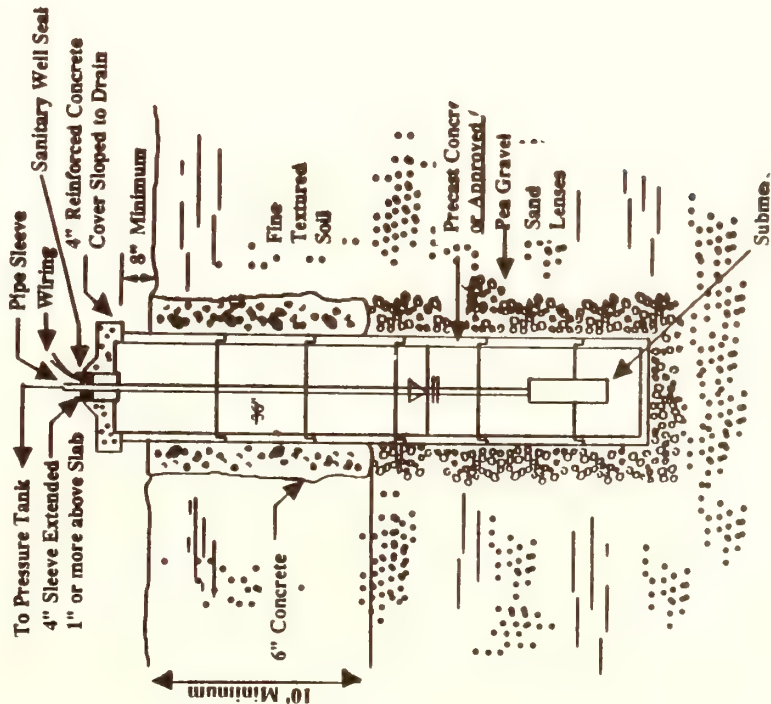




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Section 920. ILLUSTRATION G# Bored or Dug Well - Well Not Finished With Buried Slab

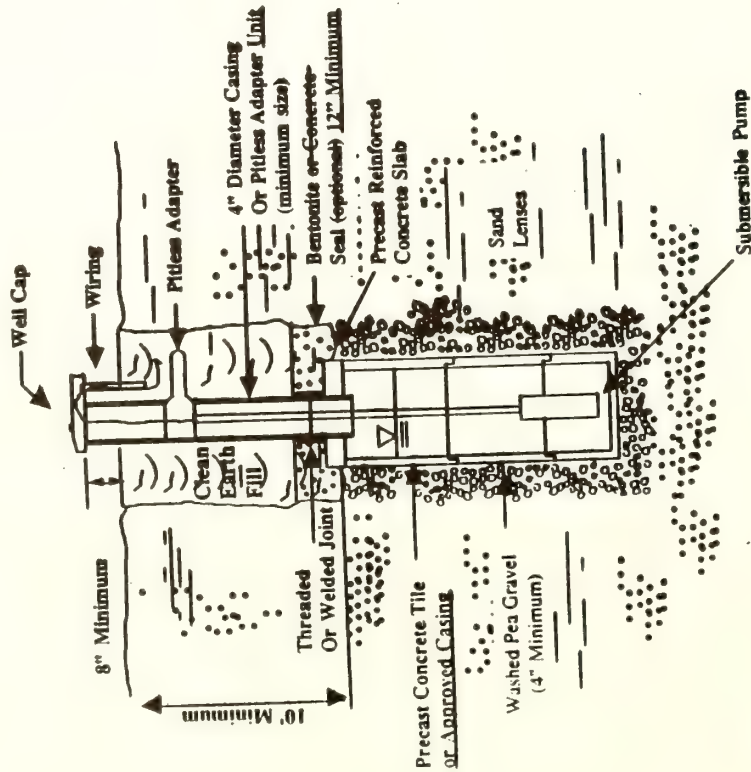


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(Source: Former Section 920. Illustration G, renumbered to Section 920. Illustration H; new Section 920. Illustration G, renumbered from Section 920. Illustration F and amended at 22 Ill. Reg. effective APR 1 1998 )

Section 920. ILLUSTRATION HG Bored or Dug Well - Buried Slab Construction



(Source: Former Section 920. Illustration H renumbered to Section 920. Illustration I; new Section 920. Illustration H renumbered from Section 920. Illustration G and amended at 22 Ill. Reg. effective APR 1 1994.)

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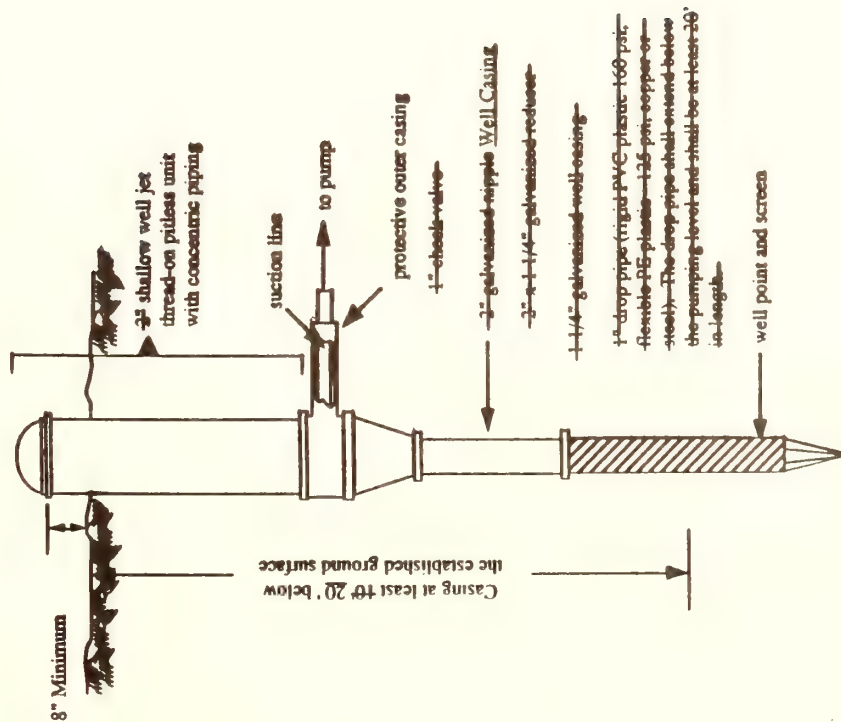
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Section 920. ILLUSTRATION IN Installation of a Driven Well

(Source: Former Section 920. Illustration H renumbered to Section 920. Illustration I and amended at 22 Ill. Reg. Ch. 110.1, effective APR 1 1998.)

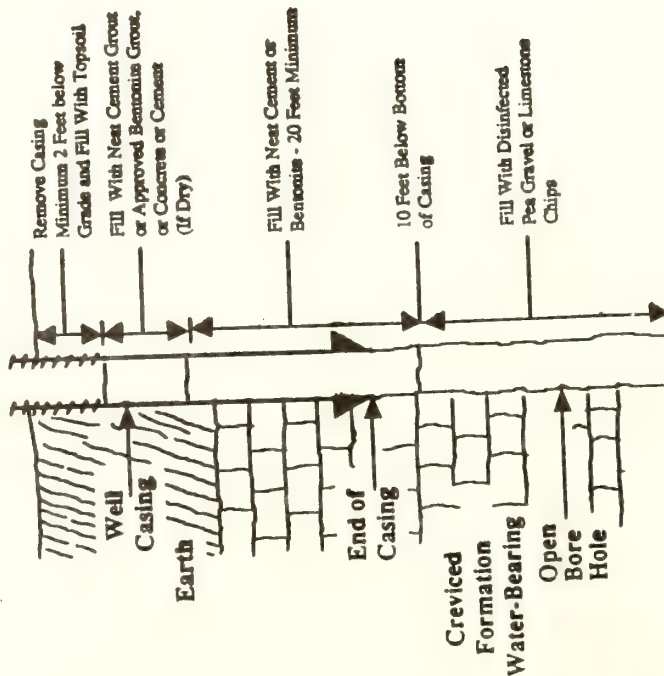
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Section 920. ILLUSTRATION J Sealing an Abandoned Well - Extending into a  
Crevice Formation



(Source: Added at 22 Ill. Reg. effective  
APR 1 1938)

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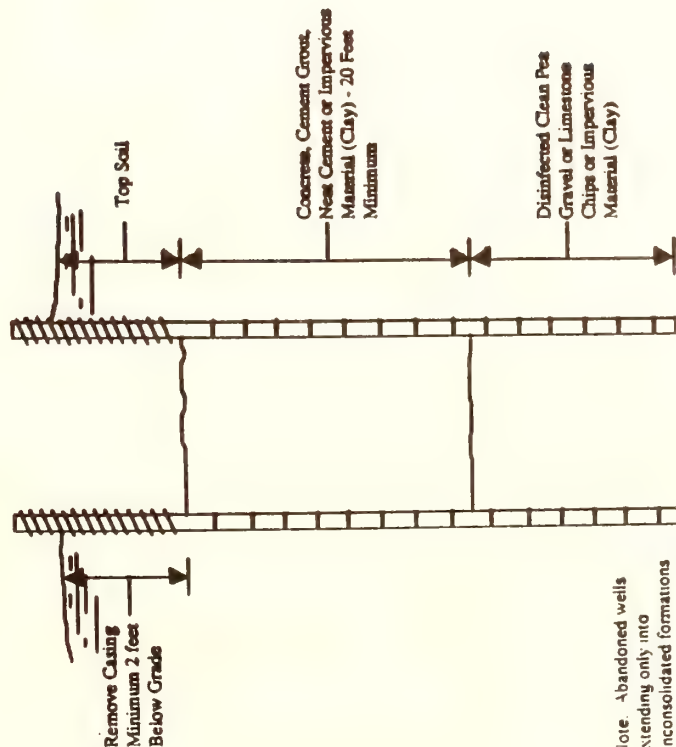
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Section 920. ILLUSTRATION K Sealing an Abandoned Dug or Bored Well

(Source: Added **APR 1 1998** Ill. Reg. effective )



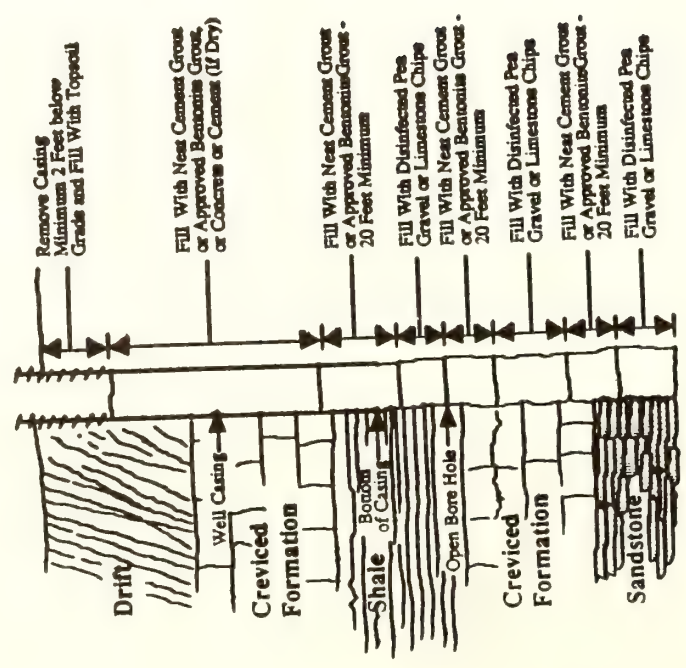
Note. Abandoned wells extending only into unconsolidated formations near the surface can be sealed by completely filling with concrete, cement grout, or impervious material such as clay.

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NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 22 Ill. Reg. effective  
APR 1 1998)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENT(S)

Section 920. ILLUSTRATION L Sealing an Abandoned Well Extending into More Than One Water Bearing Formation





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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Water Well Pump Installation Code
- 2) Code Citation: 77 Ill. Adm. Code 925
- 3) Section Numbers:  
     925.10      Adopted Action:  
     925.15      Amendment  
     925.30      Amendment  
     925.40      Amendment  
     925. Table A      New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Water Well Pump Installation Code [415 ILCS 35]
- 5) Effective Date of Amendments: April 1, 1998
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain any Incorporation by Reference? Yes
- 8) Date Filed in Agency's Principal Office: February 3, 1998
- 9) Date Notice of Proposed Amendments was Published in the Illinois Register: 21 Ill. Reg. 5073 - April 25, 1997
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No
- 11) Difference Between Proposal and Final Version:

In Section 925.30(b), an approved local health department, in addition to the Department, is allowed to accept and approve requests for variances from contractors.

Section 925.20(d) is revised to specify that the installation requirements apply to all yard hydrants for use with potable water wells and to correct a reference to a Section of the Department's Plumbing Code to Section 890.1140(e)(2)(A).

In Section 925.40(k) a requirement for sampling faucets to be not less than 12 inches above the floor has been changed to not less than 18 inches above the floor.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? Yes

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- 13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No
- 14) Are there any other Amendments Pending on this Part? No
- 15) Summary and Purpose of Rulemaking:  
     Section 925.10. Adds a definition for finished ground surfaces to be consistent with the Water Well Construction Code.  
     Section 925.15. Updates National Electrical Code reference. Deletes the Water Systems Council Standard for pitless adapters. Pitless adapters most currently meet standards adopted by the National Standard Foundation.  
     Section 925.30. Clarifies that a variance shall first be approved before pump installation can commence.  
     Section 925.40. Deletes the Water Systems Council Standard for pitless well adapters. Establishes requirements for the installation of water sampling faucets. Also establishes requirements for reporting the installation of water well pipes.

- 16) Information and Questions Regarding this Adopted Rulemaking Should be Directed to:

Gail M. DeVito  
 Division of Legal Services  
 Illinois Department of Public Health  
 535 West Jefferson, Fifth Floor  
 Springfield, IL 62761  
 (217) 782-2043  
 E-mail: rules@idph.state.il.us

The full text of the Adopted Amendments begins on the next page:

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"Contamination" means a change of the biological, chemical, or physical quality of a water so that it is actually or potentially injurious or harmful to the health of the user.

"Department" means the Illinois Department of Public Health.

"Finished Ground Surface" means the final or permanent elevation of the ground surface at the site of the well.

"Pipe Sleeve" means a pipe case in the cover slab of a dug or bored well to provide an entrance for pump components or use for venting, disinfection, or water level determination.

"Pitless Adapter Unit" means a factory assembled device consisting of the pitless adapter, a mechanism which attaches to the well casing, and a well casing riser in a single unit for the purpose of preventing contaminants from entering the well.

"Pitless Well Adapter" means an assembly of parts which will permit water to pass through the wall of the well casing or extension thereof; provides access to the well and to the parts of the water system within the well; and provides for the transportation of the water and the protection of the well and water therein, from surface or near surface contamination. Parts or appurtenances to a pitless well adapter include, but are not limited to, the vent, the device(s) on or in the wall of the casing, and the cap or cover on the top of the casing or casing extension.

"Pump Installation" means the procedure employed in the placement and preparation for operation of equipment and materials utilized in withdrawing or obtaining water from a well, including all construction involved in making entrance into the well and establishing such seals and safeguards as may be necessary to protect such water from contamination.

"Well Cap" means that portion of the pitless adapter used to enclose the atmospheric termination of the casing, which shall overlap the top of the casing extension with a downward flange.

"Water Well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of ground water, except monitoring wells.

"Water Well Pumps and Equipment" means any equipment or materials utilized or intended for use in withdrawing or obtaining water from a well including pumps, seals, pressure tanks, fittings, and controls.

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER I: WATER AND SEWAGE

PART 925  
ILLINOIS WATER WELL PUMP INSTALLATION CODE

Section

925.10	Definitions
925.15	Incorporated Materials
925.20	Scope
925.30	General Requirements
925.40	Pump Installation
925.50	Disinfection and Samples

TABLE A Approved Materials for Water Service Pipe

ILLUSTRATION A Backflow Preventer Check Valve For Agricultural Wells

AUTHORITY: Implementing and authorized by the Illinois Water Well Pump Installation Code [415 ILCS 35].

SOURCE: Adopted September 12, 1973; amended at 2 Ill. Reg. 42, p. 35, effective October 16, 1978; rules repealed, new rules adopted and codified at 7 Ill. Reg. 9662, effective August 1, 1983; amended at 13 Ill. Reg. 11816, effective July 1, 1989; amended at 15 Ill. Reg. 18227, effective January 1, 1992; amended at 22 Ill. Reg. 402, effective APR 1 1998.

Section 925.10 Definitions

"Approved Basement" means a room below ground surface, under a building and having adequate drainage not subject to backflow of liquid waste.

"Backflow Preventer" means a device that prevents backflow into a water well. The purpose of a backflow preventer is to prevent contaminated water or liquids from being siphoned or pushed from back pressure into a water well.

"Casing" means the pipe installed in a drilled hole to give unobstructed access to a water-bearing formation and includes the riser pipe of a buried slab type dug or bored well.

"Chemical Injection System" means any device or combination of devices having hose, pipe or other methods of conveyance which connect directly to any water well through which a mixture of water, pesticides and fertilizer are mixed or are drawn and applied to land, crops, and/or plants at agricultural, nursery, turf, golf course, or greenhouse sites.

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"Well Seal" means an arrangement or device used to establish a watertight closure at the junction of a well pump piping with the well casing cover at the upper terminal of the well, the purpose of which is to prevent contaminated water or other material from entering the well.

"Well Vent" means an opening at the upper terminal of a well to provide for equalization of air pressure in the well or the release of gases.

(Source: Amended at 22 Ill. Reg. 4028, effective

APR 1 1986)

## Section 925.15 Incorporated Materials

The following federal and State regulations, standards, and statutes are incorporated or referenced in various Sections of this Part:

a) The following standards are incorporated by reference: ~~The following federal and state regulations, standards, and statutes are incorporated or referenced in various Sections of this Part:~~

1) ~~Illinois Water Well and Pump Installation Contractors License Act (1989-Rev. Stat. 1989-CH-1117--PARS: 7101-ET-SEQ.)~~

1) Pitless Well Adapters

Standard 56, November 1992

NSF International

3475 Plymouth Road, P.O. Box 1468

Ann Arbor, Michigan 48106

National Sanitation Foundation

(NSF)-Standard

Number-56--November-1986

2) ~~National Electrical Electric Code 1996 1987 edition~~

National Fire Protection Association

Battery March Park,

Quincy, Mass. 02269

b) The following statutes and rules are referenced in this Part:

1) ~~Illinois Water Well and Pump Installation Contractor's License Act [225 ILCS 345]~~

2) ~~Illinois Plumbing Code (77 Ill. Adm. Code 890) Illinois Department of Public Health~~

5) ~~Pitless Adapters Standard-Number-17-March-1987-Edition~~

Water-Systems-Council

600-South-Federal-Street

Chicago-Illinois-60605

c) ~~All incorporations by reference for federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.~~

d) ~~All materials incorporated by reference are available for inspection~~

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and copying at the Department's Central Office, Division of Environmental Health, 525 West Jefferson - Third Floor, Springfield, Illinois 62761.

(Source: Amended at 22 Ill. Reg. 4028, effective

APR 1 1986)

## Section 925.30 General Requirements

a) Installation Contractor. Installation of pumps or equipment shall be made only by or under supervision of persons, firms or corporations holding a valid license under the Illinois Water Well and Pump Installation Contractor's License Code [415 ILCS 35] ~~Act--(111--Rev-Stat--1989--CH--1117--PARS: 7101-ET-SEQ.)~~ unless exempt from the provisions of that Act.

b) Variance. If conditions exist at a proposed installation site which preclude compliance with the requirements of this Part, a variance shall be requested and shall be approved before pump installation begins. ~~The contractor may request a variance by submitting to the Department or a local health department, approved under Sections 920.150 and 920.160, a written request outlining a specific proposal to be used in lieu of compliance with this Part. The Department or an approved local health department shall approve the variance if the proposal is in accord with accepted public health and sanitary engineering principles and practices, and if the resulting water well pump installation can be expected to provide a continuously safe and sanitary water supply. The Department or an approval local health department shall notify the applicant in writing of its decision either to grant or deny the variance. Factors to be considered in the approval of variance proposals will include location of pump installation, sources of potential contamination, depth to water table, past sampling history of the well, the type and location of the pump and other geological conditions at individual installations.~~

c) Well Seals. Where existing wells have buried well seals, the seal shall be replaced with a pitless well adapter, or the casing shall be extended above the ground surface in accordance with Section 920.90(c) of the Illinois Water Well Construction Code (77 Ill. Adm. Code 920) when the existing well seal is removed.

d) Yard Hydrants. All yard hydrants for use with potable water wells shall be installed in accordance with the requirements of the Illinois Plumbing Code, Section 890.1140(e)(2)(A) as follows:

1) All hydrants with threaded spigots shall have backflow protection attached to the hydrant spigot.

2) Hydrants with buried drain down (weep) holes shall have the drain down (weep) holes protected from groundwater backup by proper open site drainage. A backflow preventer shall not be used on the buried drain down (weep) hole to protect the hydrant from groundwater backup.



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3) All hydrants shall be at least 10 feet from the well.  
(Source: Amended at 22 Ill. Reg. Adopted, effective April 1, 1980)

Section 925.40 Pump Installation

a) Upper Well Terminal. Well casing and pitless well adapters shall terminate not less than eight (8) inches above the finished ground surface or pump house floor and at least 24 inches above maximum high water level in areas where flooding is likely to occur. No casing shall be cut off or cut into below ground level except to install a pitless well adapter.

b) Well pits

- 1) No new well pits shall be allowed.
- 2) Existing pits will be accepted if the following conditions exist:
  - A) The pit shall be structurally sound and watertight. The casing shall extend at least twelve (12) inches above the pit or basement floor and have a well seal to prevent contaminants from entering the well.
  - B) A watertight manhole and cover must be provided for the pit.
- 3) No existing well pit shall be modified to comply with subsection (b)(2) of this Section ~~Section 925-40(b)(2) above~~. Existing pits which are not in compliance with subsection ~~Section 925-40~~ (b)(2) shall be eliminated and the floor or one wall of the pit shall be broken or removed and the pit shall be filled with compacted earth.

c) Pitless Well Adapter:

- 1) Installation and Approval. No well casing shall be cut off or cut into below ground surface except to install a pitless well adapter below the frost level. Pitless well adapters or pitless units installed on plastic well casing shall be pressurized at the point of attachment with the well casing, unless the pitless unit is solvent welded onto the plastic well casing and the riser casing of the pitless unit is plastic. Pitless well adapters installed on steel well casing shall be pressurized at the point of attachment with the well casing, unless the pitless unit is threaded or welded onto the well casing. ~~Threaded into a well casing-coupling~~. Pitless well adapters shall comply with the requirements of the ~~National Sanitation Foundation~~ NSF International Standard Number 56 entitled Pitless Well Adapters, November, 1986, edition, and shall bear the NSF seal, or shall comply with the requirements of the ~~Pitless Adapter--Standard Number 1--dated March--1987--as published by the Water-Systems Council~~ and shall be tested and approved as meeting this standard by Allied Laboratories, 716 North Iowa Avenue, Villa Park, Illinois, and shall be listed by the Department as meeting this standard ~~Water-Systems-Council-indicating--conformance--with--the~~

~~Pitless--Adapter--Standard--Number--1--Pitless--well--adapters approved by this Department prior to July 17, 1983--shall--continue to--be--approved--until January 17, 1992--after which they shall be approved in accordance with this subsection. A list of approved pitless well adapters will be periodically updated and a copy of this list may be obtained from the Department. The annular opening between the well casing and the well bore hole or any excavation made to install the pitless adapter shall be filled with compacted earth to minimize settling and mounded to provide drainage away from the well. The contractor installing the pitless well adapter shall be responsible for the installation of the earth backfill.~~

2) Well Caps. There shall be no openings through the well cap except for a factory installed vent, air line and power supply wiring, unless a proposal is submitted to and approved by the Department. To be approved, the proposal must show that any entrance into the well cap is watertight and meet the following conditions:

- A) Prevent surface water from entering the water supply.
  - B) Be secured in position.
  - C) Be removable with tools only.
  - D) Be resistant to weathering and corrosion.
- d) Hand Pumps. Hand pumps shall be of the force type equipped with a packing gland around the pump rod, a delivery spout which is closed and downward directed, and a one-piece bell type base which is part of the pump stand or is attached to the pump column in a watertight manner. The bell base of the pump shall be securely attached to the casing or pipe sleeve.
- e) Power Driven Pumps. The design and operating principles of each type of power driven pump determines where each may be located with respect to a well. The location selected for the pump determines what factors must be considered to make an acceptable installation.
- 1) Location Above Well. Any power driven pump located over a well shall be so mounted on the well casing, pipe sleeve, pump foundation or pump stand that a watertight closure is or can be made for the open end of the casing or sleeve. The pump base bolted with a neoprene or rubber gasket or equivalent watertight seal to a foundation or plate provides an acceptable seal. On large pump installations, the bolting may be omitted when the weight of pump and column is sufficient to make a watertight contact with the gasket. If the pump unit is not located over the casing or pipe sleeve, but the pump delivery or suction pipe emerges from the top of the well, a well seal or equivalent shall be installed between the well casing and pipe to provide a watertight closure.
  - 2) Location in Well. This type of location is permissible for submersible pumps only. When the discharge line leaves the well at the top of the casing, the opening between the discharge line

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and casing or pipe sleeve shall be sealed watertight with a well seal or equivalent device. When an underground discharge is desired, a pitless well adapter shall be installed. A check valve shall not be permitted between the well and the inlet side of the pressure tank.

3) Offset From Well. Pumps offset from the well, if not located in an above ground pump house or other building, may be located in an approved basement provided the pump and all suction pipes are elevated at least 12 inches above the floor. All portions of suction lines buried below the ground surface between the well and the pump shall be enclosed in a pressure discharge line maintained at system pressure.

f) Vents. Vent piping shall be of adequate size to allow equalization of air pressure in the well and where wells are greater than four inches in diameter, the vent shall be not less than one-half inch in diameter. Vent openings shall be located in such a manner as to prevent contamination of the well. The vent opening ~~shall terminate at least 8 inches above the finished grade and shall be turned down, secured in position, reasonably tamper proof, and be screened with no less than 24-mesh durable screen or filtered in such a manner as to prevent the entry of insects and shall terminate at least 8 inches above finished ground surface. Particular attention shall be given to proper venting of wells in areas where toxic or inflammable gases are known to be a characteristic of the water. If determined that either of these types of gases are present, all vents when located in buildings shall be extended to discharge outside of the building at a height where they will not be a hazard. Venting is required on all wells except driven water wells or flowing water wells.~~

g) Pump Bearing Lubrication. Lubrication of bearings of power driven pumps shall be with water or oil which will not adversely affect the quality of the water to be pumped.

1) Water Lubrication. If a storage tank is required for lubrication water, it shall be designed to protect the water from contamination.

2) Oil Lubrication. The reservoir shall be designed to protect the oil from contamination. The oil shall not contain substances which will cause odor or taste to the water pumped.

h) Electrical Installations. All electrical installations shall be performed and maintained in accordance with the National Electrical Electrical Code 1996 1987 edition.

i) Backflow Prevention For Chemical Injection Systems.

1) Non-Potable Water Wells. Where a chemical injection system is connected directly to a water well used for irrigation and which is not used as a potable water supply, a single check spring loaded backflow preventer shall be installed between the point of chemical injection on the pump discharge piping and the water well in accordance with the manufacturer's instructions. The backflow device (see See Illustration A) shall be provided with

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the following:

A) Valving so that water can be drained from the system to prevent freezing.

B) A vacuum relief valve to prevent backsiphoning of chemicals into the well.

C) An automatic low pressure drain at least 3/4 inches in diameter, positioned so that when draining occurs liquid will run away from the well. At new installations, the low pressure drain shall be at least six inches above grade. The automatic low pressure drain shall quickly drain the check valve body of water when operation of the water well pump is discontinued.

D) A watertight seal around the check valve.

E) An inspection port four inches in diameter to allow inspection of the operation of the check valve.

F) The check valve shall withstand a minimum hydraulic pressure of 150 psi without leaking.

2) Existing chemical injection systems connected directly to a water well shall be brought into compliance with this Section by January 1, 1996. When modifications, reconstruction, or repairs to the chemical system are made or where removal of the pump takes place, the chemical system and well shall conform to this Section.

3) The water well pump and the chemical injection pump shall be electrically connected so that when the water well pump stops, the chemical pump will shut off automatically.

4) All backflow devices which meet the requirements of subsections (i)(1)(A) through (F) are approved for this purpose. The Department shall establish and make available a list of all such backflow devices.

j) Piping Material. All piping from the pitless adapter of a potable water well to the pressure tank shall be watertight and a minimum of 160 p.s.i. rating at 73.4°F (+ or - 3.6°F), and shall conform to the materials required for water service pipe or water-distribution-pipe as listed in Section 890. Appendix A Exhibit--6, Table AB Approved Materials for Water Service Pipe of the Illinois Plumbing Code (77 Ill. Adm. Code 890) or listed in Table A of this Part. All piping used in the chemical injection system shall be chemically compatible with the chemical product being applied.

k) Sampling Faucets. Provision shall be made for the collection of water samples by installing a down turned smooth nosed faucet, not less than 18 inches above the floor, in a convenient location between the water well and the pressure tank or as near to the well as possible.

l) Reports. When a water well pump has been installed in a new well or when a pump size is changed or the pump setting depth is changed in an existing well, the contractor shall submit a report of pump installation within 30 days to the Department, or approved local health department, on such forms as are prescribed and furnished by

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the Department.

(Source: Amended at 22 Ill. Reg. effective  
APR 1 1998)

Section 925. Table A Approved Materials for Water Service Pipe

Material	Standard
1) Acrylonitrile Butadiene Styrene (ABS) Pipe	ASTM D 1527-1988 ASTM D 2282-1988 ASTM D 2235-1988 ASTM D 2235-1988
Joints Solvent Cement (1)	ASTM B 43-1988
2) Brass Pipe	ASTM A 377-1984
3) Cast Iron (ductile iron) Water Pipe	ASTM D 2846-1988 ASTM F 441-1988 ASTM F 442-1988 ASTM D 2846-1988 ASTM F 493-1988
Joints Solvent Cement (orange) (1)	ASTM B 42-1988 ASTM B 302-1988
5) Copper/Copper Alloy Pipe	ASTM B 88-1988
6) Copper/Copper Alloy Tubing	ASTM D 2239-1988
7) Polyethylene (PE) Pipe	ASTM D 2737-1988
8) Polyethylene (PE) Tubing	ASTM D 1785-1988 ASTM D 2241-1988 ASTM D 2672-1988 ASTM D 2855-1983 ASTM F 656-1988 ASTM D 2564-1988
9) Polyvinyl Chloride (PVC) Pipe	
Joints Primer Solvent Cement (1)	

1 Solvent cement must be handled in accordance with ASTM F 402-1988.  
(Source: Added APR 1 1998 22 Ill. Reg. effective)



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1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code

2) Code Citation: 77 Ill. Adm. Code 350

3) Section Numbers: Adopted Action:

350.681 Amendments

350.683 Amendments

4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) Effective Date of Rules: February 13, 1998

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain Any Incorporations By Reference? No

8) Date Filed in Agency's Principal Office: February 13, 1998

9) Date Notice(s) of Proposal was Published in Illinois Register: March 21, 1997 - 21 Ill. Reg. 3475

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No

11) Difference Between Proposal and Final Version: The following changes were made in response to comments received during the first notice or public comment period:

After line 547, add the following new subsection and reletter the remaining subsections.

P) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1)-(16) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

1) certified court records;

2) written verification from the State's Attorney's office that prosecuted the conviction at issue;

3) written verification of employment during the time period during which the crime was committed or during the incarceration period

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stated in the report;

4) a signed affidavit from the individual concerning the validity of the report; or

5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. In line 309, change "3,236" to "3, 236".

2. In lines 394, 407, 461, 472, 480 and 494, strike the hyphen and add "to".

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
350.315	New Section	21 Ill. Reg. 6739
350.340	Amendments	21 Ill. Reg. 15379
350.690	Amendments	21 Ill. Reg. 6739
350.2620	Amendments	21 Ill. Reg. 15379
350.3230	Repealer	21 Ill. Reg. 15379
350.Table F	Amendments	21 Ill. Reg. 6739

15) Summary and Purpose of Rules:

The rules in Part 350 regulate the licensure of intermediate care facilities for the developmentally disabled under the Nursing Home Care Act (Act). The rules are being amended in response to P.A. 89-674 (S.B. 1544, effective August 14, 1996), which amended the Act and the Health Care Worker Background Check Act.

Section 350.681 is being amended to clarify the statutory references in the list of disqualifying crimes. The criminal background checks issued by the Illinois Department of State Police may have numbers corresponding to numbering systems in previous editions of the statutes, depending on

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when the conviction occurred. Citations have been added to assist employers in reading the background checks. The citations for theft (including retail theft), financial exploitation of an elderly or disabled person, robbery, and burglary have been separated to clarify that they are different crimes. The definition of "direct care" is amended to include language from P.A. 89-674. A definition of "initiate" is added. A new subsection (e) requires the facility to transmit all necessary information and fees to the State Police within 10 working days after receipt of an authorization to conduct a criminal background check, in accordance with P.A. 89-674. Also in accordance with the law, the time frame for requesting a waiver has been shortened from 30 days to 5 working days. A new subsection (l) states that the Department may accept the results of a fingerprint-based UCIA criminal records check if a person requesting a waiver has already had the fingerprint check done. Subsection (n) prohibits an individual from being employed in a direct care position during the pendency of a waiver request. The exemption from the law for students is clarified in subsection (q)(3). A new subsection (p) lists evidence that may be used to support an individual's claim that the name check is invalid. Facilities are required to retain the results of the background check and the waiver, if appropriate, for the duration of the individual's employment.

Section 350.683 is being amended to include language from the Act requiring nurse aides on the Nurse Aide Registry to notify the Department within 30 days of any change of address. The Department is also requiring that the Registry be informed of a nurse aide's name change.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, IL 62761  
217/782-2043

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER C: LONG-TERM CARE FACILITIES

## PART 350

## INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse Licensure Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.271	Presentation of Findings
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

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SUBPART B: ADMINISTRATION

Section  
350.510 Administrator

SUBPART C: POLICIES

Section  
350.610 Management Policies  
350.620 Resident Care Policies  
350.625 Determination of Need Screening  
350.630 Admission and Discharge Policies  
350.640 Contract Between Resident and Facility  
350.650 Residents' Advisory Council  
350.660 General Policies  
350.670 Personnel Policies  
350.675 Initial Health Evaluation for Employees  
350.680 Developmental Disabilities Aides  
350.681 Health Care Worker Background Check  
350.683 Registry of Developmental Disabilities Aides  
350.685 Student Interns  
350.690 Disaster Preparedness  
350.700 Serious Incidents and Accidents

SUBPART D: PERSONNEL

Section  
350.810  
350.820  
350.830

Personnel  
Consultation Services  
Personnel Policies

SUBPART E: RESIDENT LIVING SERVICES

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Training and Habilitation Staff  
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DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

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DEPARTMENT OF PUBLIC HEALTH  
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## NOTICE OF ADOPTED AMENDMENTS

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350.3990  
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Corridors  
Special Care Room  
Exit Facilities and Subdivision of Floor Areas  
Stairways, Vertical Openings and Doorways  
Hazardous Areas and Combustible Storage  
Mechanical Systems  
Heating, Cooling, and Ventilating Systems  
Plumbing Systems  
Electrical Systems  
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Construction Types  
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## SUBPART Q: DAY CARE PROGRAMS

Section  
350.4210

Day Care in Long-Term Care Facilities

APPENDIX A Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)  
APPENDIX B Federal Requirements Regarding Residents' Rights  
APPENDIX C Seismic Zone Map  
APPENDIX D Forms for Day Care in Long-Term Care Facilities  
APPENDIX E Guidelines for the Use of Various Drugs  
TABLE A Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled  
TABLE B Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled  
TABLE C Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled  
TABLE D Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less  
TABLE E Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less  
TABLE F Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (210 ILCS 45).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16884, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 14445, effective

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SUBPART C: POLICIES

Section 350.681 Health Care Worker Background Check

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- a) The facility shall not knowingly hire any individual after January 1, 1996 in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25 of the Health Care Worker Background Check Act [225 ILCS 46/25]):
- 1) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, Sections 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474);
  - 2) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7); Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, Sections 384 to 386));
  - 3) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4); Ill. Rev. Stat. 1961, ch. 38, Sections 252, 252.1, and 252.4));
  - 4) Assault, battery or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, Sections 55, 56, and 56a to 60b));
  - 5) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, Sections 55, 56, and 56a to 60b));
  - 6) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));
  - 7) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));
  - 8) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, Sections 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 490, and 491));

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));
- 8) ~~Shelter, financial exploitation of an elderly or disabled person, robbery or burglary (Sections 16-1, 16-1.3, 16A-3, 18-1, 18-2, 19-1, 19-2, 19-3, 19-4, 19-5, 19-6, 19-7, 19-8, 19-9, 19-10, 19-11, 19-12, 19-13, 19-14, 19-15, 19-16, 19-17, 19-18, 19-19, 19-20, 19-21, 19-22, 19-23, 19-24, 19-25, 19-26, 19-27, 19-28, 19-29, 19-30, 19-31, 19-32, 19-33, 19-34, 19-35, 19-36, 19-37, 19-38, 19-39, 19-40, 19-41, 19-42, 19-43, 19-44, 19-45, 19-46, 19-47, 19-48, 19-49, 19-50, 19-51, 19-52, 19-53, 19-54, 19-55, 19-56, 19-57, 19-58, 19-59, 19-60, 19-61, 19-62, 19-63, 19-64, 19-65, 19-66, 19-67, 19-68, 19-69, 19-70, 19-71, 19-72, 19-73, 19-74, 19-75, 19-76, 19-77, 19-78, 19-79, 19-80, 19-81, 19-82, 19-83, 19-84, 19-85, 19-86, 19-87, 19-88, 19-89, 19-90, 19-91, 19-92, 19-93, 19-94, 19-95, 19-96, 19-97, 19-98, 19-99, 19-100, 19-101, 19-102, 19-103, 19-104, 19-105, 19-106, 19-107, 19-108, 19-109, 19-110, 19-111, 19-112, 19-113, 19-114, 19-115, 19-116, 19-117, 19-118, 19-119, 19-120, 19-121, 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19-1219, 19-1220, 19-1221, 19-1222, 19-1223, 19-1224, 19-1225, 19-1226, 19-1227, 19-1228, 19-1229, 19-1230, 19-1231, 19-1232, 19-1233,~~



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facility who has received a bona fide conditional offer of employment.

- 2) "Conditional offer of employment" means means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to - (1613) of this Section.
- 3) "Direct care" means means the provision of nursing or personal care- or assistance with meals, dressing, movement, bathing, or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of managing his or her person whether or not a guardian has been appointed for that individual. (Section 15 of the Health-Care-Worker-Background-Check-Act)
- 4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)
- d) Beginning January 1, 1996, when the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (g) of this Section for a position with duties that involve direct care for residents, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months year, the facility must initiate or have initiated on its behalf a UCIA criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act)
- e) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)
- e) No later than January 1, 1997, a facility must initiate a UCIA criminal history record check for all employees who were hired before January 1, 1996, who have not already had a UCIA criminal history record check, and who are not exempt because of subsection (m) of this Section with duties that involve direct care for residents. (Section 30(d) of the Health-Care-Worker-Background-Check-Act)
- f) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (d) or (e) of this Section.
- g) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint UCIA criminal history record check search is made:
  - 1) That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant

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- 2) to the Health Care Worker Background Check Act. That the applicant or employee has a right to obtain a copy of the criminal records report, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (k) of this Section.
- 3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to - (1613) of this Section unless the applicant's identity is validated and it is determined that the applicant applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (i) of this Section or the employee receives a waiver pursuant to subsections (j) and (k) of this Section.
- 4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to - (1613) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (h) of this Section or the employee receives a waiver pursuant to subsections (j) and (k) of this Section.
- 5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to - (1613) of this Section unless the employee's applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (i) of this Section or the employee receives a waiver pursuant to subsections (j) and (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)
- h) A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)
- i) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to - (1613) of this Section may request that the facility or its designee to commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)
- j) A facility having actual knowledge that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The

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facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

k)† An applicant, employee or employer may request a waiver to subsection (a) or (b) of this Section by submitting the following to the Department by submitting--bthe--following within five working 30 days after the receipt of the criminal records report:

1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Department of Illinois State Police); and

2) A certified check, money order or agency check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

l) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (k)(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)

m)† The Department may grant a waiver based on mitigating circumstances, which may include:

- 1) The age at which the crime was committed;
- 2) The circumstances surrounding the crime;
- 3) The length of time since the conviction;
- 4) The applicant's or employee's criminal history since the conviction;
- 5) The applicant's or employee's work history;
- 6) The applicant's or employee's current employment references;
- 7) The applicant's or employee's character references;
- 8) Nurse Aide Registry records; and
- 9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. (Section 40(b) of the Health Care Worker Background Check Act)

n) An individual may not be employed in a direct care position during the pendency of a waiver request. (Section 10(d) of the Health Care Worker Background Check Act)

o)† A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)

p) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (16) of this Section, pending positive verification through a

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fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
- 4) a signed affidavit from the individual concerning the validity of the report; or
- 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

q)† This Section shall not apply to:

- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State; or
- 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or

3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)

r)† The facility must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.

s)† The facility shall retain on file for a period of 5 years records of criminal records requests for all employees, other--than--nurse--aides who--are--on--the--Department's--Nurse--Aide--Registry. The facility shall retain the results of the Criminal History Records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

t)† The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 22 Ill. Reg.

**FEB 13 1998**)

4040, effective



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- a) An individual will be placed on the Nurse Aide Registry when he/she has successfully completed a training program approved in accordance with the Long-Term Care Assistants and Aides Training Program Code (77 Ill. Adm. Code 395) and has met background check information required in Section 350.681 of this Part, and when there are no findings of abuse, neglect or misappropriation of the property in accordance with Sections 3-206.01 and 3-206.02 of the Act.
- b) An individual will be placed on the Nurse Aide Registry if he/she has met background check information required in Section 350.681 of this Part and submits documentation supporting one of the following equivalencies:
- 1) Documentation of current registration from another state as a developmental disabilities aide.
  - 2) Documentation of successful completion of a developmental disabilities aide training course approved by another state as evidenced by a diploma, certification, or other written verification from the school. The documentation must demonstrate that the course is equivalent to, or exceeds, the requirements for developmental disability aides in the Department's rules governing long-term care assistant and aide training programs (77 Ill. Adm. Code 395).
  - 3) Documentation of successful completion of a Mental Health Technician Training Program conducted by the Department of Mental Health and Developmental Disabilities.
- c) An individual shall notify the Nurse Aide Registry of any change of address within 30 days and of any name change within 30 days and shall submit proof of any name change to the Department. (Section 3-206.01 of the Act)

(Source: Amended 13<sup>th</sup> 111. Reg. 4.1.1, effective FEB 13 1998 )

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- 1) Heading of the Part: Long-Term Care Assistants and Aides Training Programs Code
- 2) Code Citation: 77 Ill. Adm. Code 395
- 3) Section Numbers: Adopted Action: Amendments 395.170
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Rules: February 13, 1998
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain Any Incorporations By Reference? No
- 8) Date Filed in Agency's Principal Office: February 13, 1998
- 9) Date Notice(s) of Proposal was Published in Illinois Register: March 21, 1997 - 21 Ill. Reg. 3492
- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No
- 11) Difference Between Proposal and Final Version:  
The following changes were made in response to comments received during the first notice or public comment period:  
No changes were made during the First Notice period.  
The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:  
No changes were requested.  
In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? The Department has made all the changes to which it agreed with the Joint Committee.
- 13) Will the Rules Replace an Emergency Rule Currently in Effect? No
- 14) Are there any other Amendments Pending on this Part? No



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER C: LONG-TERM CARE FACILITIES  
PART 395  
LONG-TERM CARE ASSISTANTS AND AIDES TRAINING PROGRAMS CODE  
SUBPART A: PROGRAM APPLICATION AND APPROVAL PROCESS

Section	
395.50	Definitions
395.100	Program Sponsor
395.110	Application for Program Approval
395.120	Review Process and Program Approval
395.130	Review of Approved Training Program
395.140	Inactive Status
395.150	Minimum Hours of Instruction
395.160	Instructor Requirements
395.170	Program Operation
395.173	Successful Completion of the Basic Nursing Assistant Training Program
395.174	Successful Completion of the Developmental Disabilities Aide or Basic Child Care/Habilitation Aide Training Program
395.175	Program Notification Requirements
395.180	Department Monitoring (Repealed)
395.190	Denial, Suspension, and Revocation of Program Approval
395.200	Other Programs Conducted by Facilities (Repealed)

SUBPART B: TRAINING PROGRAM CURRICULA REQUIREMENTS

Section	
395.300	Basic Nursing Assistant Training Program
395.310	Developmental Disabilities Aide Training Program
395.320	Basic Child Care/Habilitation Aide Training Program

SUBPART C: PROFICIENCY EXAMINATION

Section	
395.400	Proficiency Examination

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Adopted at 13 Ill. Reg. 19474, effective December 1, 1989; amended at 17 Ill. Reg. 2984, effective February 22, 1993; emergency amendment at 20 Ill. Reg. 529, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10085, effective July 15, 1996; amended at 22 Ill. Reg. 4034, effective FEB 13 1998.

DEPARTMENT OF PUBLIC HEALTH  
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15) Summary and Purpose of Rules:

The rules in Part 395 establish requirements governing training programs for long-term care assistants and aides. The rules are being amended in response to P.A. 89-674 (S.B. 1544, effective August 14, 1996), which amended the Nursing Home Care Act and the Health Care Worker Background Check Act.

Section 395.170 is being amended to include a definition of "initiate" from P.A. 89-674 and a provision requiring an educational entity, other than a secondary school, conducting a nurse aide program to initiate a UCIA criminal history record check prior to entry of an individual into the training program. A secondary school may conduct a background check prior to an individual's entry into the training program. The amendments also require the results of the background check to be attached to the student's competency test application. If the student does not complete a test application or takes the test before receiving the results of the background check, the program shall submit the results to the Department. The training program is also required to provide the student with a copy of the results of the background check.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, IL 62761  
217/782-2043

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

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## SUBPART A: PROGRAM APPLICATION AND APPROVAL PROCESS

## Section 395.170 Program Operation

- a) An educational entity, other than a secondary school, conducting a Nurse Aide Training Program shall initiate a UCIA criminal history records check in accordance with the requirements of the Health Care Worker Background Check Act [225 ILCS 46] prior to entry of an individual into the training program. A secondary school may initiate a UCIA Criminal History Record Check prior to the entry of an individual into a training program. (Section 3-206(a-0.5) of the Act)  
For the purpose of this Section, "initiate" means the obtaining of the authorization for a record check from a student. The educational entity shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15(3) of the Health Care Worker Background Check Act) Authorization shall be requested on the first day of class. The results of the criminal history record check shall be attached to the student's competency test application. If the student does not complete a test application or takes the competency test prior to receiving the results of the criminal history record check, the program shall submit the results to the Department. The program shall also provide the student with a copy of the results.
- d) a) The program shall provide counseling to all individuals seeking admission to the program concerning the Health Care Worker Background Check Act [225 ILCS 46]. The counseling must include, at a minimum:
  - 1) notification that a UCIA criminal history record check will be initiated in accordance with subsection (a) above;
  - 2) a clear statement that a UCIA Criminal Background Check is required for the individual to work as a nursing assistant, developmental disabilities aide, or basic child care/habilitation aide in Illinois; and
  - 3) a listing of those Sections of the Criminal Code of 1961 [720 ILCS 5], the Cannabis Control Act [720 ILCS 550], and the Illinois Controlled Substances Act [720 ILCS 570] for which a conviction would disqualify the individual from finding employment as a nursing assistant.
- e) b) Ten working days prior to the start of the actual training program, an updated master schedule, in accordance with Section 395.110(b)(5) of this Part, shall be submitted to the Department.
- f) c) Any change in program content, objectives, or instructors shall be submitted to the Department at least thirty days prior to program delivery.
- g) d) In the Basic Nursing Assistant Training Program, the program shall require each student to show competency of Department approved manual skills by hands-on return demonstration. The manual skills evaluation shall be conducted by an approved evaluator. Approved evaluators employed by a facility may not evaluate students trained by the

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facility program. The facility shall assure that an approved evaluator who is not an approved instructor meets the requirements of Section 395.160 of this Part.

(Source: Amended at 22 Ill. Reg. ~~10-1-1998~~, effective ~~1-1-1998~~)  
**FEB 19 1998**

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5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. In lines 346, 359, 413, 424, 445, strike the hyphen and add "to" after "(a)(1)".
2. In line 454, change of to "after".
3. In line 505, change the hyphen to "to".

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
390.315	New Section	21 Ill. Reg. 6755
390.340	Amendments	21 Ill. Reg. 15396
390.690	Amendments	21 Ill. Reg. 6755
390.2620	Amendments	21 Ill. Reg. 15396
390.3230	Repealer	21 Ill. Reg. 15396
300.Table F	Amendments	21 Ill. Reg. 6755

15) Summary and Purpose of Rules:

The rules in Part 390 regulate the licensure of long-term care facilities for persons under age 22 under the Nursing Home Care Act (Act). The rules are being amended in response to P.A. 89-674 (S.B. 1544, effective August 14, 1996), which amended the Act and the Health Care Worker Background Check Act.

Section 390.681 is being amended to clarify the statutory references in the list of disqualifying crimes. The criminal background checks issued by the Illinois Department of State Police may have numbers corresponding to numbering systems in previous editions of the statutes, depending on when the conviction occurred. Citations have been added to assist

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code

2) Code Citation: 77 Ill. Adm. Code 390

3) Section Numbers: Adopted Action:  
390.681 Amendments  
390.683 Amendments

4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) Effective Date of Rules: February 13, 1998

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain Any Incorporations By Reference? No

8) Date Filed in Agency's Principal Office: February 13, 1998

9) Date Notice(s) of Proposal was Published in Illinois Register: March 21, 1997 - 21 Ill. Reg. 3497

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

After line 497, add the following new subsection (p) and reletter the remaining subsections.

p) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1)-(16) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
- 4) a signed affidavit from the individual concerning the validity of the report; or



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employers in reading the background checks. The citations for theft (including retail theft), financial exploitation of an elderly or disabled person, robbery, and burglary have been separated to clarify that they are different crimes. The definition of "direct care" is amended to include language from P.A. 89-674. A definition of "initiate" is added. A new subsection (e) requires the facility to transmit all necessary information and fees to the State Police within 10 working days after receipt of an authorization to conduct a criminal background check, in accordance with P.A. 89-674. Also in accordance with the law, the time frame for requesting a waiver has been shortened from 30 days to 5 working days. A new subsection (l) states that the Department may accept the results of a fingerprint-based UCIA criminal records check if a person requesting a waiver has already had the fingerprint check done. Subsection (n) prohibits an individual from being employed in a direct care position during the pendency of a waiver request. The exemption from the law for students is clarified in subsection (q)(3). A new subsection (p) lists evidence that may be used to support an individual's claim that the name check is invalid. Facilities are required to retain the results of the background check and the waiver, if appropriate, for the duration of the individual's employment.

Section 390.683 is being amended to include language from the Act requiring nurse aides on the Nurse Aide Registry to notify the Department within 30 days of any change of address. The Department is also requiring that the Registry be informed of a nurse aide's name change.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, IL 62761  
217/782-2043

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER C: LONG-TERM CARE FACILITIES

## PART 390

## LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

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390.110	General Requirements
390.120	Application for License
390.130	Licensee
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse License Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to be Made Available to the Public by the Department
390.230	Information to be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.271	Presentation of Findings
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274	Determination of the Level of a Violation
390.276	Notice of Violation
390.277	Administrative Warning
390.278	Plans of Correction
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties
390.286	Determination to Assess Penalties
390.288	Reduction or Waiver of Penalties
390.290	Quarterly List of Violators
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.320	Waivers
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## SUBPART B: ADMINISTRATION

Section  
390.500 Administrator

## SUBPART C: POLICIES

Section  
390.610 Management Policies  
390.620 Resident Care Policies  
390.630 Admission and Discharge Policies  
390.640 Contract Between Resident and Facility  
390.650 Residents' Advisory Council  
390.660 General Policies  
390.670 Personnel Policies  
390.675 Initial Health Evaluation for Employees  
390.680 Child Care/Habilitation Aides  
390.681 Health Care Worker Background Check  
390.683 Registry of Child Care/Habilitation Aides  
390.685 Student Interns  
390.690 Disaster Preparedness  
390.700 Serious Incidents and Accidents

## SUBPART D: PERSONNEL

Section  
390.810 General  
390.820 Categories of Personnel  
390.830 Consultation Services

## SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section  
390.1010 Service Programs  
390.1020 Medical Services  
390.1025 Life-Sustaining Treatments  
390.1030 Physician Services  
390.1035 Tuberculin Skin Test Procedures  
390.1040 Nursing Services  
390.1050 Dental Care Services  
390.1060 Physical and Occupational Therapy Services  
390.1070 Psychological Services  
390.1080 Social Services  
390.1090 Speech Pathology and Audiology Services  
390.1100 Recreational and Activity Services  
390.1110 Educational Services  
390.1120 Work Activity and Prevocational Training Services

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SUBPART F: RESTRAINTS AND BEHAVIOR  
MANAGEMENT

Section  
390.1310 Restraints  
390.1312 Nonemergency Use of Physical Restraints  
390.1314 Emergency Use of Physical Restraints  
390.1316 Unnecessary, Psychotropic, and Antipsychotic Drugs  
390.1320 Behavior Management  
390.1330 Behavior Emergencies (Repealed)

## SUBPART G: MEDICATIONS

Section  
390.1410 Medication Policies and Procedures  
390.1420 Conformance with Physician's Orders  
390.1430 Administration of Medication  
390.1440 Labeling and Storage of Medications  
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## SUBPART H: RESIDENT AND FACILITY RECORDS

Section  
390.1610 Resident Record Requirements  
390.1620 Content of Medical Records  
390.1630 Confidentiality of Resident's Records  
390.1640 Records Pertaining to Residents' Property  
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## SUBPART I: FOOD SERVICE

Section  
390.1810 Director of Food Services  
390.1820 Dietary Staff in Addition to Director of Food Services  
390.1830 Hygiene of Dietary Staff  
390.1840 Diet Orders  
390.1850 Adequacy of Diet and Meal Pattern  
390.1860 Infant and Therapeutic Diets  
390.1870 Scheduling Meals  
390.1880 Menu Planning  
390.1890 Food Preparation and Service  
390.1900 Preparation of Infant Formula  
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390.1920 Kitchen Equipment, Utensils, and Supplies

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## SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

## Section

390.2010 Maintenance  
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## SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

## Section

390.2210 Furnishings  
390.2220 Equipment and Supplies  
390.2230 Sterilization of Supplies and Equipment

## SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

## Section

390.2410 Codes  
390.2420 Water Supply  
390.2430 Sewage Disposal  
390.2440 Plumbing

## SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

## Section

390.2610 Applicability of these Standards  
390.2620 Codes and Standards  
390.2630 Preparation of Drawings and Specifications  
390.2640 Site  
390.2650 Administration and Public Areas  
390.2660 Nursing Unit  
390.2670 Dining, Play, Activity/Program Rooms  
390.2680 Therapy and Personal Care  
390.2690 Service Departments  
390.2700 General Building Requirements  
390.2710 Structural  
390.2720 Mechanical Systems  
390.2730 Plumbing Systems  
390.2740 Electrical Systems

## SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

## Section

390.2910 Applicability  
390.2920 Codes and Standards  
390.2930 Preparation of Drawings and Specifications  
390.2940 Site  
390.2950 Administration and Public Areas

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390.2960 Play, Dining, Activity/Program Rooms  
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390.2980 Service Department  
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## SUBPART O: RESIDENT'S RIGHTS

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390.3210 General  
390.3220 Medical and Personal Care Program  
390.3230 Restraints  
390.3240 Abuse and Neglect  
390.3250 Communication and Visitation  
390.3260 Residents' Funds  
390.3270 Residents' Advisory Council  
390.3280 Contract With Facility  
390.3290 Private Right of Action  
390.3300 Transfer or Discharge  
390.3310 Complaint Procedures  
390.3320 Confidentiality  
390.3330 Facility Implementation

## SUBPART P: DAY CARE PROGRAMS

## Section

390.3510 Day Care in Long-Term Care Facilities

## APPENDIX A

Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age  
Forms for Day Care in Long-Term Care Facilities  
Guidelines for the Use of Various Drugs

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## APPENDIX C

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## NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; amended at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15073, effective September 3, 1993; amended at 17 Ill. Reg. 16167, effective January 1, 1994; amended at 17 Ill. Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 1453, effective January 14, 1994; amended at 18 Ill. Reg. 15807, effective October 15, 1994; amended at 19 Ill. Reg. 11525, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 535, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10106, effective July 15, 1996; amended at 20 Ill. Reg. 12101, effective September 10, 1996; amended at 22 Ill. Reg. 4032, effective **FEB 13 1998**.

## SUBPART C: POLICIES

## Section 390.681 Health Care Worker Background Check

- a) The facility shall not knowingly hire any individual after January 1, 1996 in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25 of the Health Care Worker Background Check Act [225 ILCS 46/25]):
- 1) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and

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- 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3] (formerly Ill. Rev. Stat. 9-2.1, 9-3, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, 1991, ch. 38, par. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, Sections 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474);
- 2) Kidnapping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7); Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, Sections 384 to 386));
- 3) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4); Ill. Rev. Stat. 1961, ch. 38, Sections 252, 252.1, and 252.4));
- 4) Assault, battery or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, Sections 55, 56, and 56a to 60b));
- 5) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16); Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, Sections 109, 141, 142, 490, and 491));
- 6) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));
- 7) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));
- 8) Theft, financial exploitation of an elderly or disabled person; robbery or burglary (Sections 16-1, 16-1.3, 16A-3, 16A-3.1, 16A-3.2, 16A-3.3, 16A-3.4, 16A-3.5, 16A-3.6, 16A-3.7, 16A-3.8, 16A-3.9, 16A-3.10, 16A-3.11, 16A-3.12, 16A-3.13, 16A-3.14, 16A-3.15, 16A-3.16, 16A-3.17, 16A-3.18, 16A-3.19, 16A-3.20, 16A-3.21, 16A-3.22, 16A-3.23, 16A-3.24, 16A-3.25, 16A-3.26, 16A-3.27, 16A-3.28, 16A-3.29, 16A-3.30, 16A-3.31, 16A-3.32, 16A-3.33, 16A-3.34, 16A-3.35, 16A-3.36, 16A-3.37, 16A-3.38, 16A-3.39, 16A-3.40, 16A-3.41, 16A-3.42, 16A-3.43, 16A-3.44, 16A-3.45, 16A-3.46, 16A-3.47, 16A-3.48, 16A-3.49, 16A-3.50, 16A-3.51, 16A-3.52, 16A-3.53, 16A-3.54, 16A-3.55, 16A-3.56, 16A-3.57, 16A-3.58, 16A-3.59, 16A-3.60, 16A-3.61, 16A-3.62, 16A-3.63, 16A-3.64, 16A-3.65, 16A-3.66, 16A-3.67, 16A-3.68, 16A-3.69, 16A-3.70, 16A-3.71, 16A-3.72, 16A-3.73, 16A-3.74, 16A-3.75, 16A-3.76, 16A-3.77, 16A-3.78, 16A-3.79, 16A-3.80, 16A-3.81, 16A-3.82, 16A-3.83, 16A-3.84, 16A-3.85, 16A-3.86, 16A-3.87, 16A-3.88, 16A-3.89, 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- 9) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3)):
- 10) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2)):
- 11) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3); Ill. Rev. Stat. 1961, ch. 38, Sections 84 to 86, 88, and 501)):
- 12) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4)):
- 13) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1)):
- 14) Unlawful use of weapons or aggravated discharge of a firearm (Sections 24-1 and 24-1.2 of the Criminal Code of 1961 [720 ILCS 5/24-1 and 24-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2)):
- 15) Manufacture, delivery or trafficking of cannabis (Sections 5, 5.1, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1 and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705.1, 705.1, and 709)):
- 16) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)):
- b) The facility shall not knowingly employ or retain any individual after January 1, 1997, in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to - (16)(3) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (j) and (k) and (m) of this Section. (Section 25 of the Health Care Worker Background Check Act)
- c) For the purpose of this Section:
- 1) "Applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of employment.
  - 2) "Conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to - (16)(3) of this Section.

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- conviction of any of the criminal offenses listed in subsections (a)(1) to - (16)(3) of this Section.
- 3) "Direct care" means the provision of nursing or personal care or assistance with meals, dressing, movement, bathing, or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of managing his or her person whether or not a guardian has been appointed for that individual. (Section 15-of the Health-Care-Worker-Background-Check-Act)
- 4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)
- d) Beginning January 1, 1996, when the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (g) of this Section, for a position with duties that involve direct care for residents, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the facility must initiate or have initiated on its behalf a UCIA criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act)
- e) No later than January 1, 1997, a facility must initiate a UCIA criminal history record check for all employees who were hired before January 1, 1997, who have not already had a UCIA criminal history record check, and who are not exempt because of subsection (m) of this Section with duties that involve direct care for residents. (Section 30(d) of the Health-Care-Worker-Background-Check-Act)
- e) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)
- f) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (d) or (e) of this Section.
- g) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint UCIA criminal history record search check is made:
- 1) That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.
  - 2) That the applicant or employee has a right to obtain a copy of the criminal records report, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (k) of this Section.
  - 3) That the applicant, if hired conditionally, may be terminated if



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Department by--submitting--the--following within 30 five working days  
after the receipt of the criminal records report:

- 1) A completed fingerprint-based UCIA Criminal Records Check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Illinois State Police); and
- 2) A certified check, money order or agency check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA Criminal Records Check.

1) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (k)(1) and (2) above.

m) The Department may grant a waiver based on mitigating circumstances, which may include:

- 1) The age at which the crime was committed;
- 2) The circumstances surrounding the crime;
- 3) The length of time since the conviction;
- 4) The applicant's or employee's criminal history since the conviction;
- 5) The applicant's or employee's work history;
- 6) The applicant's or employee's current employment references;
- 7) The applicant's or employee's character references;
- 8) Nurse Aide Registry records; and
- 9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. (Section 40(b) of the Health Care Worker Background Check Act)

n) An individual may not be employed in a direct care position during the pendency of a waiver request. (Section 10(d) of the Health Care Worker Background Check Act)

o) A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f)(4) of the Health Care Worker Background Check Act)

p) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (16) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;

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the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (16)(3) of this Section unless the applicant's identity is validated and it is determined that the applicant applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (i) of this Section or--the--employee--receives--a--waiver--pursuant--to subsections--(j)--and--(k)--of--this--Section.

4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (16)(3) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (i) of this Section or--the--employee--receives--a--waiver--pursuant--to subsections--(j)--and--(k)--of--this--Section.

5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (16)(3) of this Section unless the employee's applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (i) of this Section or--the--employee--receives--a--waiver--pursuant--to subsections--(j)--and--(k)--of--this--Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

h) A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)

i) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (16)(3) of this Section may request that the facility or its designee to commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)

j) A facility having actual knowledge that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

k) An applicant, employee or employer may request a waiver to subsection (a) or (b) of this Section by submitting the following to the



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- 4) a signed affidavit from the individual concerning the validity of the report; or  
 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

g) ~~not~~ This Section shall not apply to:

- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State; or
- 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State;--(Section 20-of-the--Health-Care--Worker--Background Check-Act); or
- 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)

i) ~~not~~ The facility must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.

j) ~~not~~ The facility shall retain on file for a period of 5 years records of criminal records requests for all employees, ~~other than nurse-aides who are on the Department's Nurse-Aide-Registry.~~ The facility shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files ~~file~~ shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

t) ~~not~~ The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 22 Ill. Reg. 4-1-1998, effective

**FEB 13 1998**)

## Section 390.683 Registry of Child Care/Habilitation Aides

- a) An individual will be placed on the Nurse Aide Registry when he/she has successfully completed a training program approved in accordance with the Long-Term Care Assistants and Aides Training Program Code (77 Ill. Adm. Code 395) and has met background check information required in Section 390.681 of this part, and when there are no findings of abuse, neglect, or misappropriation of property in accordance with

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Sections 3-206.01 and 3-206.02 of the Act.

- b) An individual shall be placed on the Nurse Aide Registry if he/she has met background check information required in Section 390.681 of this part and submits documentation supporting one of the following equivalencies:

- 1) Documentation of current registration from another state indicating that the requirements of 42 CFR 483.151 - 483.154 (October 1, 1994, no further amendments or editions included) have been met and that there are no documented findings of abuse, neglect, or misappropriation of property.
  - 2) Provide documentation of successful completion of a child care/habilitation aide training course approved by another state as evidenced by a diploma or certificate. The documentation must demonstrate that the course is equivalent to, or exceeds, the requirements for child care/habilitation aides in the Department's rules governing long-term care assistants ~~assistant~~ and aides ~~aide~~ training programs (see 77 Ill. Adm. Code 395).
  - 3) Documentation of successful completion of a nursing arts course with at least 40 hours of supervised clinical experience in an accredited nurse training program as evidenced by a diploma, certification or other written verification from the school.
- c) An individual shall notify the Nurse Aide Registry of any change of address within 30 days and of any name change within 30 days and shall submit proof of any name change to the Department. (Section 3-206.01 of the Act)

(Source: Amended at 22 Ill. Reg. 4-1-1998, effective

**FEB 13 1998**)

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- 1) Heading of the Part: Sheltered Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 330
- 3) Section Numbers: Adopted Action:  
330.911 Amendments
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Rules: February 13, 1998
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain Any Incorporations By Reference? No
- 8) Date Filed in Agency's Principal Office: February 13, 1998
- 9) Date Notice(s) of Proposal was Published in Illinois Register: March 21, 1997 - 21 Ill. Reg. 3513
- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this Rule? No
- 11) Difference Between Proposal and Final Version: The following changes were made in response to comments received during the first notice or public comment period:  
  
After line 516, add the following new subsection and reletter the remaining subsections:  
  
p) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsection (a)(1)-(16) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:  
  - 1) certified court records;
  - 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
  - 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
  - 4) a signed affidavit from the individual concerning the validity of the report; or
  - 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

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The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. In lines 366, 379, 431, 442, 450 and 463, strike the hyphen and add "to".
2. In lines 472, change "Of" to "after".
3. In line 524, change the hyphen to "to".

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? Yes

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
330.315	New Section	21 Ill. Reg. 6770
330.340	Amendments	21 Ill. Reg. 15412
330.770	Amendments	21 Ill. Reg. 6770
330.3040	Amendments	21 Ill. Reg. 15412
330.4230	Repealer	21 Ill. Reg. 15412
300.Table A	Amendments	21 Ill. Reg. 6770

- 15) Summary and Purpose of Rules: The rules in Part 330 regulate the licensure of sheltered care facilities under the Nursing Home Care Act (Act). The rules are being amended in response to P.A. 89-674 (S.B. 1544, effective August 14, 1996), which amended the Act and the Health Care Worker Background Check Act.

Section 330.911 is being amended to clarify the statutory references in the list of disqualifying crimes. The criminal background checks issued by the Illinois Department of State Police may have numbers corresponding to numbering systems in previous editions of the statutes, depending on when the conviction occurred. Citations have been added to assist employers in reading the background checks. The citations for theft (including retail theft), financial exploitation of an elderly or disabled person, robbery, and burglary have been separated to clarify that they are different crimes. The definition of "direct care" is amended to include language from P.A. 89-674. A definition of "initiate" is added. A new subsection (e) requires the facility to transmit all necessary information

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and fees to the State Police within 10 working days after receipt of an authorization to conduct a criminal background check, in accordance with P.A. 89-674. Also in accordance with the law, the time frame for requesting a waiver has been shortened from 30 days to 5 working days. A new subsection (1) states that the Department may accept the results of a fingerprint-based UCIA criminal records check if a person requesting a waiver has already had the fingerprint check done. Subsection (n) prohibits an individual from being employed in a direct care position during the pendency of a waiver request. The exemption from the law for students is clarified in subsection (q)(3). A new subsection (p) lists evidence that may be used to support an individual's claim that the name check is invalid. Facilities are required to retain the results of the background check and the waiver, if appropriate, for the duration of the individual's employment.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito  
Division of Legal Services  
Department of Public Health  
535 West Jefferson  
Fifth Floor  
Springfield, Illinois 62761  
217/782-2043

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER C: LONG-TERM CARE FACILITIES

## PART 330

## SHELTERED CARE FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

General Requirements	Section
Application for License	330.110
Licensee	330.120
	330.130
Issuance of an Initial License For a New Facility	330.140
Issuance of an Initial License Due to a Change of Ownership	330.150
Issuance of a Renewal License	330.160
Criteria for Adverse License Actions	330.165
Denial of Initial License	330.170
Denial of Renewal of License	330.175
Revocation of License	330.180
Experimental Program Conflicting With Requirements	330.190
Inspections, Surveys, Evaluations and Consultation	330.200
Filing an Annual Attested Financial Statement	330.210
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Information to be Made Available to the Public By the Licensee	330.230
Municipal Licensing	330.240
Ownership Disclosure	330.250
Issuance of Conditional Licenses	330.260
Monitoring and Receivership	330.270
Presentation of Findings	330.271
Determination to Issue a Notice of Violation or Administrative Warning	330.272
Determination of the Level of a Violation	330.274
Notice of Violation	330.276
Administrative Warning	330.277
Plans of Correction	330.278
Reports of Correction	330.280
Conditions for Assessment of Penalties	330.282
Calculation of Penalties	330.284
Determination to Assess Penalties	330.286
Reduction or Waiver of Penalties	330.288
Quarterly List of Violators	330.290
Alcoholism Treatment Programs In Long-Term Care Facilities	330.300
Department May Survey Facilities Formerly Licensed	330.310
Waivers	330.320
Definitions	330.330
Incorporated and Referenced Materials	330.340



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## SUBPART B: ADMINISTRATION

Section  
330.510 Administrator

## SUBPART C: POLICIES

Section  
330.710 Resident Care Policies  
330.720 Admission and Discharge Policies  
330.730 Contract Between Resident and Facility  
330.740 Residents' Advisory Council  
330.750 General Policies  
330.760 Personnel Policies  
330.765 Initial Health Evaluation for Employees  
330.770 Disaster Preparedness  
330.780 Serious Incidents and Accidents

## SUBPART D: PERSONNEL

Section  
330.910 Personnel  
330.911 Health Care Worker Background Check  
330.913 Nursing and Personal Care Assistants (Repealed)  
330.916 Student Interns (Repealed)  
330.920 Consultation Services  
330.930 Personnel Policies

## SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

Section  
330.1110 Medical Care Policies  
330.1120 Personal Care  
330.1125 Life Sustaining Treatments  
330.1130 Communicable Disease Policies  
330.1135 Tuberculin Skin Test Procedures  
330.1140 Behavior Emergencies (Repealed)  
330.1145 Restraints  
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330.1155 Unnecessary, Psychotropic, and Antipsychotic Drugs

## SUBPART F: RESTORATIVE SERVICES

Section  
330.1310 Activity Program  
330.1320 Work Programs  
330.1330 Written Policies for Restorative Services

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## SUBPART G: MEDICATIONS

Section  
330.1510 Medication Policies  
330.1520 Administration of Medication  
330.1530 Labeling and Storage of Medications

## SUBPART H: RESIDENT AND FACILITY RECORDS

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## SUBPART I: FOOD SERVICE

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330.1910 Director of Food Services  
330.1920 Dietary Staff in Addition to Director of Food Services  
330.1930 Hygiene of Dietary Staff  
330.1940 Diet Orders  
330.1950 Adequacy of Diet and Meal Pattern  
330.1960 Therapeutic Diets  
330.1970 Scheduling of Meals  
330.1980 Menu Planning  
330.1990 Food Preparation and Service  
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330.2010 Kitchen Equipment, Utensils, and Supplies

## SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

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330.2210 Maintenance  
330.2220 Housekeeping  
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## SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section  
330.2410 Furnishings  
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## SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

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## Section

330.2610 Codes  
330.2620 Water Supply  
330.2630 Sewage Disposal  
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SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW  
SHELTERED CARE FACILITIES

## Section

330.2810 Applicable Requirements (Repealed)  
330.2820 Applicability of These Standards  
330.2830 Submission of a Program Narrative  
330.2840 New Constructions, Additions, Conversions, and Alterations  
330.2850 Preparation and Submission of Drawings and Specifications  
330.2860 First Stage Drawings  
330.2870 Second Stage Drawings  
330.2880 Architectural Drawings  
330.2890 Structural Drawings  
330.3000 Mechanical Drawings  
330.3010 Electrical Drawings  
330.3020 Additions to Existing Structures  
330.3030 Specifications  
330.3040 Building Codes  
330.3050 Site  
330.3060 General Building Requirements  
330.3070 Administration  
330.3080 Corridors  
330.3090 Bath and Toilet Rooms  
330.3100 Living, Dining, Activity Rooms  
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330.3140 Laundry  
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## Section

330.3310 Applicable Requirements (Repealed)  
330.3320 Applicability of These Standards  
330.3330 Fire Protection  
330.3340 Fire Department Service and Water Supply  
330.3350 General Building Requirements

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330.3360 Exit Facilities and Subdivision of Floor Areas  
330.3370 Stairways, Vertical Openings, and Doorways  
330.3380 Corridors  
330.3390 Exit Lights and Directional Signs  
330.3400 Hazardous Areas and Combustible Storage  
330.3410 Fire Alarm and Detection System  
330.3420 Fire Extinguishers, Electric Wiring, and Miscellaneous  
330.3430 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR  
EXISTING SHELTERED CARE FACILITIES

## Section

330.3610 Site  
330.3620 General Building Requirements  
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330.3640 Corridors  
330.3650 Bath and Toilet Rooms  
330.3660 Living, Dining, and Activity Rooms  
330.3670 Bedrooms  
330.3680 Special Care Room  
330.3690 Kitchen  
330.3700 Laundry Room  
330.3710 Housekeeping and Service Rooms and Storage Space  
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SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING  
SHELTERED CARE FACILITIES

## Section

330.3910 Fire Protection  
330.3920 Fire Department Service and Water Supply  
330.3930 Occupancy and Fire Areas  
330.3940 Exit Facilities and Subdivision of Floor Areas  
330.3950 Stairways, Vertical Openings, and Doorways  
330.3960 Exit and Fire Escape Lights and Directional Signs  
330.3970 Hazardous Areas and Combustible Storage  
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## SUBPART Q: RESIDENT'S RIGHTS

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330.4210 General  
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330.4240 Abuse and Neglect  
330.4250 Communication and Visitation  
330.4260 Resident's Funds  
330.4270 Residents' Advisory Council  
330.4280 Contract With Facility  
330.4290 Private Right of Action  
330.4300 Transfer or Discharge  
330.4310 Complaint Procedures  
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SUBPART R: DAY CARE PROGRAMS

Day Care In Long-Term Care Facilities

Section  
330.4510

Interpretation, Components, and Illustrative Services for  
Sheltered Care Facilities  
Classification of Distinct Part of a Facility For Different  
Levels of Service (Repealed)  
Forms for Day Care in Long-Term Care Facilities  
Criteria for Activity Directors Who Need Only Minimal  
Consultation  
Guidelines for the Use of Various Drugs  
Disaster Preparedness Parameters -- Relative Humidity and  
Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (210 ILCS 45).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14681, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 18939, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective

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October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15089, effective September 3, 1993; amended at 17 Ill. Reg. 16180, effective January 1, 1994; amended at 17 Ill. Reg. 19258, effective October 26, 1993; amended at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective November 20, 1993; amended at 18 Ill. Reg. 1475, effective January 14, 1994; amended at 18 Ill. Reg. 15851, effective October 15, 1994; amended at 19 Ill. Reg. 11567, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 552, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 10125, effective July 15, 1996; amended at 20 Ill. Reg. 12160, effective September 10, 1996; amended at 22 Ill. Reg. 4078, effective

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SUBPART D: PERSONNEL

Section 330.911 Health Care Worker Background Check

a) The facility shall not knowingly hire any individual after January 1, 1996, in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25 of the Health Care Worker Background Check Act [225 ILCS 46/25]):  
1) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3)); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, Sections 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474);  
2) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5, and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5 and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7)); Ill. Rev. Stat. 1985, ch. 38, par. 10-1; Ill. Rev. Stat. 1961, ch. 38, Sections 384 to 386);  
3) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4)); Ill. Rev. Stat. 1961, ch. 38, Sections 252, 252.1, and 252.4);  
4) Assault, battery or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6,



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and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, Sections 55, 56, and 56a to 60b);

- 5) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16); Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, Sections 109, 141, 142, 490, and 491);

- 6) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));

- 7) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));

- 8) Theft--financial--exploitation-of-an-elderly-or-disabled-person--robbery-or-burglary--(Sections 16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-1226-1227-1228-1229-1230-1231-1232-1233-1234-1235-1236-1237-1238-1239-1240-1241-1242-1243-1244-1245-1246-1247-1248-1249-1250-1251-1252-1253-1254-1255-1256-1257-1258-1259-1260-1261-1262-1263-1264-1265-1266-1267-1268-1269-1270-1271-1272-1273-1274-1275-1276-1277-1278-1279-1280-1281-1282-1283-1284-1285-1286-1287-1288-1289-1290-1291-1292-1293-1294-1295-1296-1297-1298-1299-1300-1301-1302-1303-1304-1305-1306-1307-1308-1309-1310-1311-1312-1313-1314-1315-1316-1317-1318-1319-1320-1321-1322-1323-1324-1325-1326-1327-1328-1329-1330-1331-1332-1333-1334-1335-1336-1337-1338-1339-1340-1341-1342-1343-1344-1345-1346-1347-1348-1349-1350-1351-1352-1353-1354-1355-1356-1357-1358-1359-1360-1361-1362-1363-1364-1365-1366-1367-1368-1369-1370-1371-1372-1373-1374-1375-1376-1377-1378-1379-1380-1381-1382-1383-1384-1385-1386-1387-1388-1389-1390-1391-1392-1393-1394-1395-1396-1397-1398-1399-1400-1401-1402-1403-1404-1405-1406-1407-1408-1409-1410-1411-1412-1413-1414-1415-1416-1417-1418-1419-1420-1421-1422-1423-1424-1425-1426-1427-1428-1429-1430-1431-1432-1433-1434-1435-1436-1437-1438-1439-1440-1441-1442-1443-1444-1445-1446-1447-1448-1449-1450-1451-1452-1453-1454-1455-1456-1457-1458-1459-1460-1461-1462-1463-1464-1465-1466-1467-1468-1469-1470-1471-1472-1473-1474-1475-1476-1477-1478-1479-1480-1481-1482-1483-1484-1485-1486-1487-1488-1489-1490-1491-1492-1493-1494-1495-1496-1497-1498-1499-1500-1501-1502-1503-1504-1505-1506-1507-1508-1509-1510-1511-1512-1513-1514-1515-1516-1517-1518-1519-1520-1521-1522-1523-1524-1525-1526-1527-1528-1529-1530-1531-1532-1533-1534-1535-1536-1537-1538-1539-1540-1541-1542-1543-1544-1545-1546-1547-1548-1549-1550-1551-1552-1553-1554-1555-1556-1557-1558-1559-1560-1561-1562-1563-1564-1565-1566-1567-1568-1569-1570-1571-1572-1573-1574-1575-1576-1577-1578-1579-1580-1581-1582-1583-1584-1585-1586-1587-1588-1589-1590-1591-1592-1593-1594-1595-1596-1597-1598-1599-1600-1601-1602-1603-1604-1605-1606-1607-1608-1609-1610-1611-1612-1613-1614-1615-1616-1617-1618-1619-1620-1621-1622-1623-1624-1625-1626-1627-1628-1629-1630-1631-1632-1633-1634-1635-1636-1637-1638-1639-1640-1641-1642-1643-1644-1645-1646-1647-1648-1649-1650-1651-1652-1653-1654-1655-1656-1657-1658-1659-1660-1661-1662-1663-1664-1665-1666-1667-1668-1669-1670-1671-1672-1673-1674-1675-1676-1677-1678-1679-1680-1681-1682-1683-1684-1685-1686-1687-1688-1689-1690-1691-1692-1693-1694-1695-1696-1697-1698-1699-1700-1701-1702-1703-1704-1705-1706-1707-1708-1709-1710-1711-1712-1713-1714-1715-1716-1717-1718-1719-1720-1721-1722-1723-1724-1725-1726-1727-1728-1729-1730-1731-1732-1733-1734-1735-1736-1737-1738-1739-1740-1741-1742-1743-1744-1745-1746-1747-1748-1749-1750-1751-1752-1753-1754-1755-1756-1757-1758-1759-1760-1761-1762-1763-1764-1765-1766-1767-1768-1769-1770-1771-1772-1773-1774-1775-1776-1777-1778-1779-1780-1781-1782-1783-1784-1785-1786-1787-1788-1789-1790-1791-1792-1793-1794-1795-1796-1797-1798-1799-1800-1801-1802-1803-1804-1805-1806-1807-1808-1809-1810-1811-1812-1813-1814-1815-1816-1817-1818-1819-1820-1821-1822-1823-1824-1825-1826-1827-1828-1829-1830-1831-1832-1833-1834-1835-1836-1837-1838-1839-1840-1841-1842-1843-1844-1845-1846-1847-1848-1849-1850-1851-1852-1853-1854-1855-1856-1857-1858-1859-1860-1861-1862-1863-1864-1865-1866-1867-1868-1869-1870-1871-1872-1873-1874-1875-1876-1877-1878-1879-1880-1881-1882-1883-1884-1885-1886-1887-1888-1889-1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-2437-2438-2439-2440-2441-2442-2443-2444-2445-2446-2447-2448-2449-2450-2451-2452-2453-2454-2455-2456-2457-2458-2459-2460-2461-2462-2463-2464-2465-2466-2467-2468-2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-250

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need not initiate another check.

e) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act.)

e) No later than January 1, 1997, a facility must initiate a UCIA criminal history record check for all employees who were hired before January 1, 1996, and who are not exempt because of subsection (m) of this Section with duties that involve direct care for residents. (Section 30(f) of the Health Care Worker Background Check Act.)

f) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (d) or (e) of this Section.

g) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint UCIA criminal history record check search is made:

1) That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.

2) That the applicant or employee has a right to obtain a copy of the criminal records report, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (k) of this Section.

3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (16)(3) of this Section unless the applicant's identity is validated and it is determined that the applicant applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (i) of this Section or the employee receives a waiver pursuant to subsections (j) and (k) of this Section.

4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (16)(3) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (i) of this Section or the employee receives a waiver pursuant to subsections (j) and (k) of this Section.

5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (16)(3) of this Section unless the employee's applicant's record is cleared based on a fingerprint-based records check pursuant to

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subsection (i) of this Section or the employee receives a waiver pursuant to subsections (j) and (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

h) A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)

i) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (16)(3) of this Section may request that the facility of its designee to commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)

j) A facility having actual knowledge that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

k) An applicant, employee or employer may request a waiver to subsection (a) or (b) of this Section by submitting the following to by submitting the following to the Department within five working days after the receipt of the criminal records report:

1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Illinois State Police); and

2) A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

l) The Department may accept the results of the fingerprint-based UCIA Criminal Records Check instead of the items required by subsections (k)(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)

m) The Department may grant a waiver based on mitigating circumstances, which may include:

- 1) The age at which the crime was committed;
- 2) The circumstances surrounding the crime;
- 3) The length of time since the conviction;
- 4) The applicant's or employee's criminal history since the conviction;
- 5) The applicant's or employee's work history;
- 6) The applicant's or employee's current employment references;



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- 7) *The applicant's or employee's character references;*  
 8) *Nurse Aide Registry records; and*  
 9) *Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents.* (Section 40(b) of the Health Care Worker Background Check Act)

n) An individual may not be employed in a direct care position during the pendency of a waiver request. (Section 10(d) of the Health Care Worker Background Check Act)

o) A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f)(4) of the Health Care Worker Background Check Act)

p) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (16) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
- 4) a signed affidavit from the individual concerning the validity of the report; or
- 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

q) This Section shall not apply to:

- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State; or
- 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or ~~Section 20 of the Health-Care-Worker-Background Check-Act~~
- 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)

r) The facility must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health

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Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.

s) The facility shall retain on file for a period of 5 years records of criminal records requests for all employees, ~~rather than nurse-aides who are on the Department's Nurse-Aide Registry.~~ The facility shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files ~~file~~ shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 the Health Care Worker Background Check Act)

t) The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 22 Ill. Reg. ~~700 23~~, effective

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- the report; or  
5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.
- The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:
1. In lines 382 and 395, strike "-13" and add "to 16".
  2. In lines 449, 460, 467, 480 and 540, strike the hyphen and add "to".
  3. In line 488, change "of" to "after".
  4. In line 537, change "reports" to "report".

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
300.315	New Section	21 Ill. Reg. 6786
300.340	Amendments	21 Ill. Reg. 15425
300.670	Amendments	21 Ill. Reg. 6786
300.2820	Amendments	21 Ill. Reg. 15425
300.3230	Repealer	21 Ill. Reg. 15425
300. Table D	Amendments	21 Ill. Reg. 6786

15) Summary and Purpose of Rules:

The rules in Part 300 regulate the licensure of skilled nursing and intermediate care facilities under the Nursing Home Care Act (Act). The rules are being amended in response to P.A. 89-674 (S.B. 1544, effective August 14, 1996), which amended the Act and the Health Care Worker Background Check Act.

Section 300.661 is being amended to clarify the statutory references in the list of disqualifying crimes. The criminal background checks issued by the Illinois Department of State Police may have numbers corresponding

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- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities  
Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3) Section Numbers:  
300.661 Adopted Action:  
300.663 Amendments  
Amendments
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Rules: February 13, 1998
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain Any Incorporations By Reference? No
- 8) Date Filed in Agency's Principal Office: February 13, 1998
- 9) Date Notice(s) of Proposal was Published in Illinois Register: March 21, 1997 - 21 Ill. Reg. 3527
- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No
- 11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

After line 533, add a new subsection (p) as follows and reletter the remaining subsections.

p) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records reports is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1)-(16) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
- 4) a signed affidavit from the individual concerning the validity of

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to numbering systems in previous editions of the statutes, depending on when the conviction occurred. Citations have been added to assist employers in reading the background checks. The citations for theft (including retail theft), financial exploitation of an elderly or disabled person, robbery, and burglary have been separated to clarify that they are different crimes. The definition of "direct care" is amended to include language from P.A. 89-674. A definition of "initiate" is added. A new subsection (e) requires the facility to transmit all necessary information and fees to the State Police within 10 working days after receipt of an authorization to conduct a criminal background check, in accordance with P.A. 89-674. Also in accordance with the law, the time frame for requesting a waiver has been shortened from 30 days to 5 working days. A new subsection (l) states that the Department may accept the results of a fingerprint-based UCIA criminal records check if a person requesting a waiver has already had the fingerprint check done. Subsection (n) prohibits an individual from being employed in a direct care position during the pendency of a waiver request. The exemption from the law for students is clarified in subsection (q)(3). A new subsection (p) lists evidence that may be used to support an individual's claim that the name check is invalid. Facilities are required to retain the results of the background check and the waiver, if appropriate, for the duration of the individual's employment.

Section 300.663 is being amended to include language from the Act requiring nurse aides on the Nurse Aide Registry to notify the Department within 30 days of any change of address. The Department is also requiring that the Registry be informed of a nurse aide's name change.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:
- Ms. Gail DeVito  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, IL 62761  
217/782-2043

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH  
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TITLE 77. PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 300  
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licenses
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public By the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

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SUBPART B: ADMINISTRATION

Section  
300.510 Administrator

SUBPART C: POLICIES

Section  
300.610 Resident Care Policies  
300.620 Admission and Discharge Policies  
300.625 Determination of Need Screening  
300.630 Contract Between Resident and Facility  
300.640 Residents' Advisory Council  
300.650 Personnel Policies  
300.655 Initial Health Evaluation for Employees  
300.660 Nursing Assistants  
300.661 Health Care Worker Background Check  
300.663 Registry of Certified Nurse Aides  
300.665 Student Interns  
300.670 Disaster Preparedness  
300.680 Restraints  
300.682 Nonemergency Use of Physical Restraints  
300.684 Emergency Use of Physical Restraints  
300.686 Unnecessary, Psychotropic, and Antipsychotic Drugs  
300.690 Serious Incidents and Accidents

SUBPART D: PERSONNEL

Section  
300.810 General  
300.820 Categories of Personnel  
300.830 Consultation Services  
300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section  
300.1010 Medical Care Policies  
300.1020 Communicable Disease Policies  
300.1025 Tuberculin Skin Test Procedures  
300.1030 Medical Emergencies  
300.1035 Life-Sustaining Treatments  
300.1040 Behavior Emergencies (Repealed)  
300.1050 Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

Section

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300.1210 General Requirements for Nursing and Personal Care  
300.1220 Supervision of Nursing Services  
300.1230 Staffing  
300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

Section  
300.1410 Activity Program  
300.1420 Specialized Rehabilitation Services  
300.1430 Work Programs

SUBPART H: MEDICATIONS

Section  
300.1610 Medication Policies and Procedures  
300.1620 Conformance With Physician's Orders  
300.1630 Administration of Medication  
300.1640 Labeling and Storage of Medications  
300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

Section  
300.1810 Resident Record Requirements  
300.1820 Content of Medical Records  
300.1830 Records Pertaining to Residents' Property  
300.1840 Retention and Transfer of Resident Records  
300.1850 Other Resident Record Requirements  
300.1860 Staff Responsibility for Medical Records  
300.1870 Retention of Facility Records  
300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

Section  
300.2010 Director of Food Services  
300.2020 Dietary Staff in Addition to Director of Food Services  
300.2030 Hygiene of Dietary Staff  
300.2040 Diet Orders  
300.2050 Adequacy of Diet and Meal Pattern  
300.2060 Therapeutic Diets  
300.2070 Scheduling Meals  
300.2080 Menu Planning  
300.2090 Food Preparation and Service  
300.2100 Food Handling Sanitation  
300.2110 Kitchen Equipment, Utensils, and Supplies



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## SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section  
300.2210  
300.2220  
300.2230

Maintenance  
Housekeeping  
Laundry Services

## SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section  
300.2410  
300.2420  
300.2430

Furnishings  
Equipment and Supplies  
Sterilization of Equipment and Supplies

## SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section  
300.2610  
300.2620  
300.2630  
300.2640

Codes  
Water Supply  
Sewage Disposal  
Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS  
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section  
300.2810  
300.2820  
300.2830  
300.2840  
300.2850  
300.2860  
300.2870  
300.2880  
300.2890  
300.2900  
300.2910  
300.2920  
300.2930  
300.2940

Applicability of These Standards  
Codes and Standards  
Preparation of Drawings and Specifications  
Site  
Administration and Public Areas  
Nursing Unit  
Dining, Living, Activities Rooms  
Therapy and Personal Care  
Service Departments  
General Building Requirements  
Structural  
Mechanical Systems  
Plumbing Systems  
Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS  
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section  
300.3010  
300.3020  
300.3030

Applicability  
Codes and Standards  
Preparation of Drawings and Specifications

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300.3040 Site  
300.3050 Administration and Public Areas  
300.3060 Nursing Unit  
300.3070 Living, Dining, Activities Rooms  
300.3080 Treatment and Personal Care  
300.3090 Service Departments  
300.3100 General Building Requirements  
300.3110 Structural  
300.3120 Mechanical Systems  
300.3130 Plumbing Systems  
300.3140 Electrical Requirements

## SUBPART P: RESIDENT'S RIGHTS

Section  
300.3210 General  
300.3220 Medical and Personal Care Program  
300.3230 Restraints  
300.3240 Abuse and Neglect  
300.3250 Communication and Visitation  
300.3260 Resident's Funds  
300.3270 Residents' Advisory Council  
300.3280 Contract With Facility  
300.3290 Private Right of Action  
300.3300 Transfer or Discharge  
300.3310 Complaint Procedures  
300.3320 Confidentiality  
300.3330 Facility Implementation

## SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

Section  
300.3410 Application of Other Divisions of These Minimum Standards  
300.3420 Administrator  
300.3430 Policies  
300.3440 Personnel  
300.3450 Resident Living Services Medical and Dental Care  
300.3460 Resident Services Program  
300.3470 Psychological Services  
300.3480 Social Services  
300.3490 Recreational and Activities Services  
300.3500 Individual Treatment Plan  
300.3510 Health Services  
300.3520 Medical Services  
300.3530 Dental Services  
300.3540 Optometric Services  
300.3550 Audiometric Services  
300.3560 Podiatric Services

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300.3570 Occupational Therapy Services  
 300.3580 Nursing and Personal Care  
 300.3590 Resident Care Services  
 300.3600 Record Keeping  
 300.3610 Food Service  
 300.3620 Furnishings, Equipment and Supplies (New and Existing Facilities)  
 300.3630 Design and Construction Standards (New and Existing Facilities)

## SUBPART R: DAYCARE PROGRAMS

## Section 300.3710 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities  
 APPENDIX B Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)

APPENDIX C Federal Requirements Regarding Patients'/Residents' Rights  
 APPENDIX D Forms for Day Care in Long-Term Care Facilities  
 APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation

APPENDIX F Guidelines for the Use of Various Drugs  
 TABLE A Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities

TABLE B Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities

TABLE C Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities

TABLE D Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17,

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1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective

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## SUBPART C: POLICIES

## Section 300.661 Health Care Worker Background Check

a) The facility shall not knowingly hire any individual after January 1, 1996, in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25 of the Health Care Worker Background Check Act [225 ILCS 46/25]):

- 1) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3)); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, Sections 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474))

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- 2) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7)); Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, Sections 384 to 386));
- 3) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4)); Ill. Rev. Stat. 1961, ch. 38, Sections 252, 252.1, and 252.4));
- 4) Assault, battery or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7)); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, Sections 55, 56, and 56a to 60b));
- 5) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16)); Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, Sections 109, 141, 142, 490, and 491));
- 6) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));
- 7) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));
- 8) ~~Theft--financial--exploitation-of-an-elderly-or-disabled-person; robbery-or-burglary--(Sections-16-17-16-17--16A-37--18-17--18-27-19-17--and-19-3-of-the-Criminal-Code-of-1961--(formerly-Ill.-Rev.-Stat.-1991--ch.-38, pars.-16-17-16-17--16A-37-18-17--18-27--19-1-and-19-3))~~
- 9) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3); Ill. Rev. Stat. 1961, ch. 38, Sections 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));
- 9) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));
- 10) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));

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- 11) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, Sections 84 to 86, 88, and 501));
- 12) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));
- 13) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1)); Ill. Rev. Stat. 1961, ch. 38, Sections 48 to 53 and 236 to 238));
- 14) Unlawful use of weapons or aggravated discharge of a firearm (Sections 24-1 and 24-1.2 of the Criminal Code of 1961 [720 ILCS 5/24-1 and 24-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2)); Ill. Rev. Stat. 1961, ch. 38, Sections 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));
- 15) Manufacture, delivery or trafficking of cannabis (Sections 5, 5.1 and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1 and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705, 705.1, and 709)); or
- 16) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407 and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).
- b) The facility shall not knowingly employ or retain any individual after January 1, 1997, in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (16) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (j) and (k) and (m) of this Section. (Section 25 of the Health Care Worker Background Check Act)
- c) For the purpose of this Section:
  - 1) "Applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of employment.
  - 2) "Conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (16) of this Section.
  - 3) "Direct care" means the provision of nursing or personal care or assistance with meals, dressing, movement, bathing, or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual



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who is incapable of managing his or her person whether or not a guardian has been appointed for that individual. (Section 15 of the Health-Care-Worker-Background-Check-Act)

4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)

d) Beginning January 1, 1996, when the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (9) of this Section, for a position with duties that involve direct care for residents, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the facility must initiate or have initiated on its behalf a UCIA criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Act)

e) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)

e) No later than January 1, 1997, a facility must initiate a UCIA criminal history record check for all employees who were hired before January 1, 1997, who have not already had a UCIA criminal history record check, and who are not exempt because of subsection (m) of this Section with duties that involve direct care for residents. (Section 30(d) of the Health-Care-Worker-Background-Check-Act)

f) The facility agency may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (d) of this Section.

g) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint UCIA criminal history record check search is made:

- 1) That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.
- 2) That the applicant or employee has a right to obtain a copy of the criminal records report, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (k) of this Section.
- 3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (16) of this Section unless the applicant's identity is validated and it is determined that the applicant applicant or employee does not have a disqualifying criminal history record based on a

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fingerprint-based records check pursuant to subsection (i) of this Section or the employee receives a waiver pursuant to subsections (j) and (k) of this Section.

4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (16) of this Section unless the applicant's record is cleared based on a fingerprint records check pursuant to subsection (i) of this Section or the employee receives a waiver pursuant to subsections (j) and (k) of this Section.

5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (16) of this Section unless the employee's applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (i) of this Section or the employee receives a waiver pursuant to subsections (j) and (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

h) A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)

i) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (16) of this Section may request that the facility or its designee to commence a fingerprint UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)

j) A facility having actual knowledge that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

k) An applicant, employee or employer may request a waiver to subsection (a) or (b) of this Section by submitting the following to by submitting the following to the Department within five working days after the receipt of the criminal records report:

- 1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Illinois State Police);

## DEPARTMENT OF PUBLIC HEALTH

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and

- 2) A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

1) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (k)(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)

m) 1) The Department may grant a waiver based on mitigating circumstances, which may include:

- 1) The age at which the crime was committed;
- 2) The circumstances surrounding the crime;
- 3) The length of time since the conviction;
- 4) The applicant's or of employee's criminal history since the conviction;
- 5) The applicant's or employee's work history;
- 6) The applicant's or employee's current employment references;
- 7) The applicant's or employee's character references;
- 8) Nurse Aide Registry records; and
- 9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. (Section 40(b) of the Health Care Worker Background Check Act)

n) An individual may not be employed in a direct care position during the pendency of a waiver request. (Section 10(d) of the Health Care Worker Background Check Act)

o) 1) A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f)(4) of the Health Care Worker Background Check Act)

p) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (16) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) Certified court records;
- 2) Written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) Written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
- 4) A signed affidavit from the individual concerning the validity of the report; or
- 5) Documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

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g) 1) This Section shall not apply to:

- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State; or
- 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or--(Section 20-of-the-Health-Care-Worker-Background-Check-Act)
- 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)

r) 1) The facility must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.

s) 1) The facility shall retain on file for a period of 5 years records of criminal records requests for all employees--other--than--nurse--aides who--are--on-the-Department's-Nurse-Aide-Registry. The facility shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files file shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

t) 1) The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 22 Ill. Reg.           , effective           .)

**FEB 13 1998**

## Section 300.663 Registry of Certified Nurse Aides

- a) An individual will be placed on the Nurse Aide Registry when he/she has successfully completed a training program approved in accordance with the Long-Term Care Assistants and Aides Training Program Code (77 Ill. Adm. Code 395) and has met background check information required in Section 300.661 of this Part, and when there are no findings of abuse, neglect, or misappropriation of property in accordance with Sections 3-206.01 and 3-206.02 of the Act.

- b) An individual will be placed on the Nurse Aide Registry if he/she has met background check information required in Section 300.661 of this Part and submits documentation supporting one of the following

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## equivalencies:

- 1) Documentation of current registration from another state indicating that the requirements of 42 CFR 483.151 - 483.154 (October 1, 1994, no further amendments or editions included) have been met and that there are no documented findings of abuse, neglect, or misappropriation of property.
- 2) Documentation of successful completion of a nursing arts course with at least 40 hours of supervised clinical experience in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school and successful completion of the Department established nursing assistant competency test.
- 3) Documentation of successful completion of a United States military training program that includes the content of the Basic Nursing Assistant Training program (see 77 Ill. Adm. Code 395) and at least 40 hours of supervised clinical experience, as evidenced by a diploma, certification, or other written verification and the written portion of the Department established nursing assistant competency test.
- c) An individual shall notify the Nurse Aide Registry of any change of address within 30 days and of any name change within 30 days and shall submit proof of any name change to the Department. (Section 3-206.01 of the Act)

(Source: Amended Ill. Reg.           , effective FEB 13 1998)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Illinois Water Well and Pump Installation Contractor's License Code
- 2) Code Citation: 77 Ill. Adm. Code 915
- 3) Section Numbers: Adopted Action:  
915.10 Amendment  
915.20 Amendment  
915.40 Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Water Well and Pump Installation Contractor's License Act [225 ILCS 345]
- 5) Effective Date of Amendments: February 10, 1998
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain any Incorporation by Reference? No
- 8) Date Filed in Agency's Principal Office: February 3, 1998
- 9) Date Notice of Proposed Amendments was Published in the Illinois Register: 21 Ill. Reg. 2847 - April 25, 1997
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No
- 11) Difference Between Proposal and Final Version: There are no differences between the proposal and final version.
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? The Joint Committee on Administrative Rules did not request any changes in these rules.
- 13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No
- 14) Are there any other Amendments Pending on this Part? No
- 15) Summary and Purpose of Rulemaking:  
Section 915.10. Clarifies application requirements. In order to be eligible to take the examination for licensure, an applicant must have a minimum of two years experience drilling water wells. The rule currently requires an applicant to submit an affidavit from previous employers confirming his experience. The change would require that the affidavit be completed by a licensed contractor who employed and trained the applicant.



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Section 915.20. Amends passing requirements for the contractor's license examinations. An applicant who fails to pass the examination must retake all parts in their entirety.

Section 915.40. Clarifies supervision requirements for all applicants.

- 16) Information and Questions Regarding this Adopted Rulemaking Should be Directed to:

Gail M. DeVito  
Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, IL 62761  
(217) 782-2043  
E-mail: rules@idph.state.il.us

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER I: WATER AND SEWAGE

## PART 915

THE ILLINOIS WATER WELL AND PUMP INSTALLATION  
CONTRACTOR'S LICENSE CODE

## Section

- 915.10 Applications
- 915.20 Examination Requirements
- 915.30 Statutory Authority
- 915.40 Supervision
- 915.50 Licensed Contractor Responsibility

**AUTHORITY:** Implementing and authorized by the Water Well and Pump Installation Contractor's License Act [225 ILCS 345].

**SOURCE:** Emergency rules adopted at 2 Ill. Reg. 9, p. 30, effective February 22, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 10, p. 123, effective March 5, 1979; codified at 8 Ill. Reg. 8926; amended at 17 Ill. Reg. 4425, effective March 23, 1993; amended at 22 Ill. Reg. 4111, effective **FEB 10 1998**.

## Section 915.10 Applications

- a) An application for examination for registration as a licensed water well contractor and/or water well pump installation contractor must be received in the office of the Department of Public Health, Springfield, Illinois, at least 30 days prior to the date of examination. Applications shall be made on forms provided by the Department and shall include the following information:
  - 1) name and address of the applicant;
  - 2) age of the applicant;
  - 3) a statement that the applicant is a citizen of the United States or has declared his intention to become a citizen of the United States; and
  - 4) employment records, W-2's, copies of paychecks, or other evidence that the applicant has been employed in water well construction or water well pump installation for a minimum of 420 working days in a maximum of two years.
- b) A recent photograph shall comprise a part of the application form and be made a permanent record.
- c) Affidavits by three responsible persons as to the applicant's moral character, honesty and integrity shall be made a part of the application form and become a permanent record.
- d) Affidavits from previous and current licensed contractor employers must accompany the application indicating the dates which the

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applicant was employed and the locations of previous jobs the applicant performed verifying that the applicant was engaged in water well or water pump installation work and that he performed this work under the supervision of a licensed contractor. The names and addresses of previous licensed contractor employers shall be included. These affidavits shall be made a part of the application form and become a permanent record.

(Source: Amended at 22 Ill. Reg. 4114, effective FEB 10 1998)

## Section 915.20 Examination Requirements

- a) Photograph. A recent photograph of the applicant must be personally presented by the applicant at the time of the examination.
- b) Examination. The examination shall be written and consist of four parts prepared by the licensing board. The four parts shall be the following:

- 1) general knowledge of well drilling industry;
- 2) general knowledge of pump installation industry;
- 3) wells; and
- 4) pumps.

- c) Passing Grade. Applicants desiring a water well contractor license will be required to successfully pass parts 1 and 3 as described in subsection (b) above. Applicants desiring a water well pump installation contractor license will be required to successfully pass parts 2 and 4 as described in subsection (b) above. Applicants desiring licensure for both will be required to successfully pass all parts. The examination shall consist of questions with a combined grade value of 100 points in each part. In order to successfully pass the examination, a grade of not less than 75 must be obtained after averaging the results of the questions from each part taken. However, the applicant must obtain a grade of not less than 70 in each part of the examination.

- d) Failure to Pass. An applicant who fails to pass the examination shall be admitted to a subsequent regularly scheduled examination after filing a new application and fee with the Department in accordance with Section 915.10. ~~An applicant who fails his first examination will be required in his second or third examinations to retake only those parts in which he received a grade of less than 75 if the applicant is admitted to a fourth or subsequent examinations he will be required to take an examination in all parts.~~

- e) Review of Examinations. Individuals may not review the examinations once they have been taken.

(Source: Amended at 22 Ill. Reg. 4111, effective FEB 10 1998)

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## Section 915.40 Supervision

An applicant for a water well pump installation contractor's license, a water well contractor's license, or a water well and pump installation contractor's license shall have worked at the trade for two years at the direction and under the supervision of an Illinois licensed water well pump installation contractor, a water well contractor, or a water well and pump installation contractor, respectively. The Department shall consider two years to mean a minimum of 420 working days in a maximum of two years. Credit for experience and work performed under the supervision of individuals licensed by another state shall only be allowed when the Department has determined that requirements for licensure in that other state are equal to those of the Department. The Department shall establish and publish a list of those states. Supervision shall be performed by licensed contractors in accordance with Section 915.50.

(Source: Amended at 22 Ill. Reg. 4114, effective FEB 10 1998)

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3) Section Numbers: Adopted Action:  
1600.100 New Section  
1600.110 New Section
- 4) Statutory Authority: 40 ILCS 5/15-177, 5 ILCS 120, and 5 ILCS 140
- 5) Effective Date of Rulemaking: February 9, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 9, 1998
- 9) Notice of Proposal Published in Illinois Register: August 29, 1997, 21 Ill. Reg. 11906
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:

1. Throughout text, italicized statutory language and added appropriate ILCS citations.
2. Section 1600.100(e)(1)(A), changed "reasonable to "reasonably".
3. Section 1600.100(f)(4), ILCS citation changed to conform with Section 2.06 of the Open Meetings Act.
4. Section 1600.100(f)(18), changed 3 to 30.
5. Section 1600.100(g)(4)(F), changed "compiled" to "complied".
6. Section 1600.110(e)(2), deleted paragraph 2, renumbered paragraph 3 to 2, and deleted reference (e)(3) in paragraph.
7. Section 1600.110(g)(1)(B), changed "of" to "after".
8. Throughout text parentheses were changed to brackets.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: To implement Freedom of Information Act and Open Meetings Act.

- 16) Information and questions regarding these adopted amendments shall be

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directed to:

Name: Judith A. Parker, Deputy Director  
 Address: State Universities Retirement System  
 PO Box 2710  
 Champaign, IL 61825-2710  
 Telephone: 217/378-8800

The full text of the Adopted Amendment begins on the next page:



## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE D: RETIREMENT SYSTEMS

## CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

## PART 1600

## UNIVERSITIES RETIREMENT

## Section

- 1600.10 Definitions
- 1600.20 Dependency of Beneficiaries
- 1600.30 Crediting Interest on Employee Contributions and Other Reserves
- 1600.40 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
- 1600.50 Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
- 1600.70 Procedures to be followed in Medical Evaluation of Disability Claims
- 1600.80 Rules of Practice-Nature and Requirements of Formal Hearings
- 1600.90 Excess Benefit Arrangement
- 1600.100 Freedom of Information Act
- 1600.110 Open Meetings Act

## APPENDIX A Chart Outlining Hearing Procedures (Repealed)

AUTHORITY: Implementing and authorized by 40 ILCS 5/15-177.

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 1, effective **FEB 9 1998**.

## Section 1600.100 Freedom of Information Act

## a) Introduction.

1) It is the public policy of the State of Illinois, as expressed in the Freedom of Information Act [5 ILCS 40], that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees. This access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments, and monitoring government to ensure that it is being conducted in the public interest.

2) The Act is not intended to be used: To violate individual privacy; for the purpose of furthering a commercial enterprise;

## STATE UNIVERSITIES RETIREMENT SYSTEM

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or to disrupt the duly-undertaken work of SURS independent of the fulfillment of any of the rights of the people to access to information.

- 3) The Act is not intended to create an obligation on the part of SURS to maintain or prepare any public record which was not maintained or prepared by SURS when the Act became effective (July 1, 1984), except as otherwise required by applicable State or federal law. [5 ILCS 140/1]
- 4) By means of this rule, SURS has established procedures to conduct its business in accordance with the Freedom of Information Act

## b) Definitions.

- 1) "Copying" - The reproduction of any public record by means of any photographic, electronic, mechanical, or other process, device, or means. [5 ILCS 140/2]
- 2) "Freedom of Information Officer" - The Freedom of Information Officer is the staff member at SURS responsible for responding to all requests for information under the Freedom of Information Act and is also responsible for maintaining all records required to be kept under that Act and this Section. The Freedom of Information Officer shall be the Associate Executive Director.
- 3) "Person" - Any individual, corporation, partnership, firm, organization, or association, acting individually or as a group.
- 4) "Public Records" - All records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information, and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, processed or under the control of any public body. Unless exempt under subsection (f), "public records" includes, but is expressly not limited to:
  - A) Administrative manuals, procedural rules, and instructions to staff.
  - B) Final opinions and orders made in the adjudication of cases.
  - C) Substantive rules.
  - D) Statements and interpretations of policy which have been adopted by SURS.
  - E) Final planning policies, recommendations, and decisions.
  - F) Factual reports, inspection reports, and studies, whether prepared by or for SURS.
  - G) All information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of SURS.
  - H) The names, salaries, titles, and dates of employment of all employees and officers of SURS.
  - I) Materials containing opinions concerning the rights of the State, the public, a subdivision of State or a local government, or of any private persons.

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- J) The name of every person and the final records of voting in all proceedings of SURS.
- K) Applications for any contract, permit, grant, or agreement.
- L) Each report, document, study, or publication prepared by independent consultants or other independent contractors for SURS.
- M) Information relating to any grant or contract made by or between SURS and another public body or private organization. [5 ILCS 140/2]
- N) All other information required by law to be made available for public inspection or copying.
- O) Dissemination of information about SURS.
- SURS shall prominently display at each of its offices, make available for inspection and copying, and send through the mail, if requested, each of the following:
- 1) A brief description of itself, including but not limited to:
    - A) A short summary of its purpose.
    - B) A block diagram giving its functional subdivisions.
    - C) The total amount of its operating budget.
    - D) The number and location of all of its separate offices.
    - E) The approximate number of full and part-time employees.
    - F) The identification and membership of the Board of Trustees and the various committees created by the Board.
  - 2) A brief description of the methods whereby the public may request information and public records, a directory designating by titles and addresses those employees to whom requests for public records should be directed, and any fees allowable under Section 6 of the Freedom of Information Act. [5 ILCS 140/4]
- d) List of records available from SURS.
- 1) SURS shall maintain and make available for inspection and copying a reasonably detailed and reasonably current list of all types or categories of records under its control.
  - 2) SURS shall furnish upon request a description of the manner in which public records stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format. [5 ILCS 140/5]
- e) Fees.
- 1) Imposition of Fee.
    - A) SURS may charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records. SURS may also charge fees for the use, by any person, of its equipment to copy records.
    - B) Such fees shall exclude the costs of any search for and review of the record, and shall not exceed the actual cost of reproduction and certification, unless otherwise provided by State statute.
    - C) Such fees shall be imposed according to the following

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- standard scale of fees: photostatic copying of paper documents—\$.10 per page; paper copies of microfilmed/microfiche documents—\$.25 per page; compilation(s) of electronically stored data—to be determined based on the nature of the request. [5 ILCS 140/6]
- 2) Waiver of Fee.
- A) Documents shall be furnished without charge or at a reduced charge, as determined by the Freedom of Information Officer, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest, and if the Freedom of Information Officer determines that a waiver or reduction of the fee is in the public interest. In setting the amount of a waiver or reduction, the Freedom of Information Officer may take into consideration the amount of materials requested and the cost of copying them.
  - 3) Waiver or reduction of the fee is in the public interest if the principal purpose of the request is not for personal or commercial benefit, but the principal purpose is:
    - A) To access and disseminate information regarding the health, safety, and welfare of the general public; or
    - B) To access and disseminate information regarding the legal rights of the general public. [5 ILCS 140/6]
- f) Exemptions. The following public records shall be exempt from inspection and copying:
- 1) Information specifically prohibited from disclosure by federal or State law, or by rules and regulations adopted under federal or State law. [5 ILCS 140/7(1)(a)]
  - 2) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subject of the information. This disclosure of information that bears on the public duties of the SURS Board of Trustees and SURS employees shall not be considered an invasion of personal privacy. Information exempted under this subsection (f)(2) shall include, but is not limited to:
    - A) Files and personal information maintained with respect to participants, annuitants, and beneficiaries participating in or receiving benefits from SURS; and
    - B) Personnel files and personal information maintained with respect to employees of SURS and any applicants for positions with SURS. [5 ILCS 140/7(1)(b)]
    - 3) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the Executive Director. [5 ILCS 140/7(1)(f)]



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- 4) Information related solely to the internal personnel rules and practices of SURS. [5 ILCS 140/7(1)(w)]
- 5) Minutes of meetings of the Board of Trustees of SURS and any subsidiary committees thereof closed to the public as provided in the Open Meetings Act [5 ILCS 120] until the Board of Trustees makes the minutes available to the public under Section 2.06 of the Open Meetings Act. [5 ILCS 140/7(1)(m)]
- 6) Communications between SURS and an attorney or auditor representing SURS that would not be subject to discovery in litigation, and materials prepared or compiled by or for SURS in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising SURS, and materials prepared or compiled with respect to internal audits of SURS. [5 ILCS 140/7(1)(n)]
- 7) Drafts, notes, recommendations and memoranda pertaining to the financing and marketing transactions of SURS. [5 ILCS 140/7(1)(t)]
- 8) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including all information determined to be confidential under Section 4002 of the Technology Advancement and Development Act [20 ILCS 700/4002]. Nothing contained in this subsection (f)(8) shall be construed to prevent a person or business from consenting to disclosure. [5 ILCS 140/7(1)(g)]
- 9) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with SURS, until an award or final selection is made. Information prepared by or for SURS in preparation of a bid solicitation shall be exempt until an award or final selection is made. [5 ILCS 140/7(1)(h)]
- 10) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this subsection (f). [5 ILCS 140/7(1)(p)]
- 11) Valuable formulas, designs, drawings and research data obtained or produced by SURS that when disclosed could reasonably be expected to produce private gain or public loss [5 ILCS 140/7(1)(i)].
- 12) Documents or materials relating to collective negotiating matters between SURS and its employees or representatives, except that

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- any final contract or agreement shall be subject to inspection and copying. [5 ILCS 140/7(1)(g)]
- 13) Test questions, scoring keys and other examination data used to determine the qualifications of an applicant for employment. [5 ILCS 140/7(1)(i)]
- 14) Architects' plans and engineers' technical submissions for projects not constructed or developed in whole or in part with public funds and for projects constructed or developed with public funds, to the extent that disclosure would compromise security. [5 ILCS 140/7(1)(k)]
- 15) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under Article VII of the Code of Civil Procedure [735 ILCS 5/Art. VII], records, documents, and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents, and information relating to a real estate sale shall be exempt until a sale is consummated. [5 ILCS 140/7(1)(s)]
- 16) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. [5 ILCS 140/7(1)(t)]
- 17) Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss, or risk management information, records, data, advice or communications. [5 ILCS 140/7(1)(bb)]
- 18) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/55]. [5 ILCS 140/7(1)(ee)]
- g) Inspection or copying of public records - Request procedures.
  - 1) SURS shall make available to any person for inspection or copying all public records, except as otherwise provided in subsection (f), in accordance with this subsection (g). [5 ILCS 140/3] Such records may be obtained from the Freedom of Information Officer at the principal office of SURS.
  - 2) Subject to the fee provisions of subsection (e), SURS shall promptly provide, to any person who submits a written request, a copy of any public record required to be disclosed and shall certify such copy if so requested. [5 ILCS 140/3]
  - 3) SURS shall promptly either comply with or deny a written request for public records within 7 working days after its receipt. Denial shall be by letter as provided in subsection (i). The failure of SURS to respond to a written request within 7 working days after its receipt shall be considered a denial of the request.



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4) The time limits prescribed in subsection (q)(3) may be extended for not more than 7 additional working days for any of the following reasons:

- A) the requested records are stored in whole or in part at other locations than the office having charge of the requested records;
- B) the request requires the collection of a substantial number of specified records;
- C) the request is couched in categorical terms and requires an extensive search for the records responsive to it;
- D) the requested records have not been located in the course of routine search and additional efforts are being made to locate them;
- E) the requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under subsection (f) or should be revealed only with appropriate deletions;
- F) the request for records cannot be complied with by SURS within the time limits prescribed by subsection (q)(3) without unduly burdening or interfering with the operations of SURS;
- G) there is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

5) Additional time. When additional time is required for any of the above reasons, SURS shall notify by letter the person making the written request, within the time limits specified by subsection (q)(3), of the reasons for the delay and the date by which the records will be made available or denial will be forthcoming. In no instance may the delay in processing last longer than 7 working days. A failure to render a decision within 7 working days shall be considered a denial of the request.

6) Categorical requests:

A) Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for SURS, there is no way to narrow the request, and the burden on SURS outweighs the public interest in the information. Before invoking this exemption, SURS shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions.

B) If SURS responds to a categorical request by stating that compliance would unduly burden its operation and the conditions described above are met, it shall do so in writing, specifying the reasons why it would be unduly

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burdensome and the extent to which compliance will so burden the operations of SURS. Such a response shall be treated as a denial of the request for information.

C) Repeated requests for the same public records by the same person shall be deemed unduly burdensome under this provision. [5 ILCS 140/31]

h) Nonexempt materials contained in exempt records.

If any public record that is exempt from disclosure under subsection (f) contains any material which is not exempt, SURS shall delete the information which is exempt and make the remaining information available for inspection and copying in accordance with subsection (g). [5 ILCS 140/8]

i) Denial of request for public records - Notice.

1) When the Freedom of Information Officer denies a request for public records, it shall notify by letter the person making the request of the decision to deny such, the reasons for the denial, and the names and titles or positions of each person responsible for the denial. Each notice of denial by a public body shall also inform such person of his right to appeal to the Executive Director. Each notice of denial of an appeal by the Executive Director shall inform such person of his right to judicial review.

2) When a request for public records is denied on the grounds that the records are exempt under subsection (f), the notice of denial shall specify, by cite to the specific statutory provision of the Freedom of Information Act, the exemption authorizing the denial.

3) Copies of all notices of denial shall be retained by SURS in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested. [5 ILCS 140/9]

j) Denial of request for public records - Appeals.

1) Any person denied access to inspect or copy any public record may appeal the denial by sending a written notice of the appeal to the Executive Director. Upon receipt of such notice the Executive Director shall promptly review the public record, determine whether under the provisions of this policy such record is open to inspection and copying, and notify the person making the appeal of such determination within 7 working days after the notice of appeal.

2) Any person making a request for public records shall be deemed to have exhausted his administrative remedies with respect to such request if the Executive Director affirms the denial or fails to act within the time limit provided in subsection (j)(1). [5 ILCS 140/10]

(Source: Added at 22 Ill. Reg. 4116, effective

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Section 1600.110 Open Meetings Acta) Introduction.

- 1) The Illinois Open Meetings Act [5 ILCS 120] sets forth the public policy of the State of Illinois that public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business. It is also the public policy of the State that its citizens be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way.

2) It is the intent of the Act:

- A) to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly;
- B) to protect the citizen's right to know; and
- C) that provisions for exceptions to the open meeting requirements be strictly construed against closed meetings.

[5 ILCS 120/1]

- 3) By means of this Section, SURS has established procedures to conduct its business in accordance with the Open Meetings Act.

b) Definitions.

- 1) "Employee" - A person employed by SURS whose relationship with SURS constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor. [5 ILCS 120/2(d)]
- 2) "Meeting" - Any gathering of a majority of a quorum of the Board of Trustees held for the purpose of discussing SURS business. [5 ILCS 120/1.02] Unless the Board sets a quorum in excess of 5 members, a gathering of 3 or more members of the Board of Trustees for the purpose of discussing SURS business shall be considered a meeting.
- 3) "Public body" - The Board of Trustees of SURS. All references to the Board of Trustees shall also encompass any committees of the Board where the context so requires.
- 4) "Quasi-judicative body" - An administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon. [5 ILCS 120/2(d)] The Claims Committee shall be considered a quasi-judicative body.
- c) Time and place of open meetings.
  - 1) All open meetings shall be held at specified times and places which are convenient and open to the public.
  - 2) No open meeting shall be held on a legal holiday unless the regular meeting day falls on that holiday. [5 ILCS 120/2.01]
- d) Public notice; agenda; schedule.
  - 1) Posting. Public notice shall be given by posting a copy of the notice at the principal office of SURS, 1901 Fox Drive, Champaign. Copies of the posted notice shall also be given to

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any news medium that has filed with the Executive Director of SURS an annual request for notice of meetings. [5 ILCS 120/2.02(a)]

- 2) News medium request. Any news medium may file with the Executive Director of SURS an annual request for public notice of all meetings of the Board of Trustees of SURS. The Associate Executive Director shall maintain an updated list of all news media which have filed such annual requests and shall be responsible for seeing that such news media receive the notices mandated by the Open Meetings Act and by this policy.
- 3) Regular meetings. Public notice shall be given of the schedule of regular meetings at the beginning of each fiscal year, stating the regular dates, times, and places of each such meeting.
  - A) Agenda of regular meetings. An agenda for each regular meeting shall be posted in accordance with subsection (d)(1) at least 48 hours in advance of the holding of the meeting. However, this requirement shall not preclude the consideration of items not specifically set forth in the agenda. [5 ILCS 120/2.02(a)]
  - B) Schedule of regular meetings. At the beginning of each fiscal year, the Executive Director of SURS shall prepare and make available a schedule of all its regular meetings for such fiscal year, listing the times and places of such meetings.
  - C) Change in regular meeting date. If a change is made in a regular meeting date, at least 10 days' notice of such change shall be given by publication in the official State newspaper. Notice of such change shall also be posted at the principal office of SURS, 1901 Fox Drive, Champaign. Notice of such change shall also be given to any news medium that has filed with the Executive Director of SURS an annual request for notice of meetings. [5 ILCS 120/2.03]
- 4) Special meetings. Public notice of any special meeting shall be given at least 48 hours before such meeting.
  - A) Agenda of special meetings. An agenda of a special meeting shall also be included with the public notice of such meeting. However, the validity of any action taken by the Board of Trustees which is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. [5 ILCS 120/2.02(a)]
  - B) News medium notice. Any news medium which has filed an annual request for notice shall be given the same notice of any special meeting in the same manner as is given to members of the Board of Trustees, provided that such news medium has given the Executive Director of SURS an address or telephone number within Illinois at which such notice may be given. [5 ILCS 120/2.02(b)]
- 5) Rescheduled or reconvened meetings. Public notice of any



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rescheduled or reconvened meeting shall be given at least 48 hours before such meeting.

A) Exception to notice requirement. No public notice is required to be given of any reconvened meeting where the meeting was open to the public and either:

- i) such meeting is to be reconvened within 24 hours; or
- ii) an announcement of the time and place of the reconvened meeting is made at the original meeting and there is no change in the agenda. [5 ILCS 120/2.02(a)]

B) Agenda of rescheduled or reconvened meeting. An agenda of a rescheduled or reconvened meeting shall also be included with the public notice of such meeting. However, the validity of any action taken by the Board of Trustees which is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. [5 ILCS 120/2.02(a)]

C) News medium notice. Any news medium which has filed an annual request for notice shall be given the same notice of any rescheduled or reconvened meeting in the same manner as is given to members of the Board of Trustees, provided that such news medium has given the Executive Director of SURS an address or telephone number within Illinois at which such notice may be given. [5 ILCS 120/2.02(b)]

6) Emergency meeting. Notice of an emergency meeting shall be given as soon as is practicable. In any event, prior to an emergency meeting being held, notice shall be given to any news medium which has filed an annual request for notice. [5 ILCS 120/2.02(a)] Any news medium which has filed an annual request for notice shall be given the same notice of any emergency meeting in the same manner as is given to members of the Board of Trustees, provided that such news medium has given the Executive Director of SURS an address or telephone number within Illinois at which such notice may be given. [5 ILCS 120/2.02(b)]

e) Recording meeting.

- 1) Any person may record by tape, film or other means the proceedings at any open meeting, subject to such rules as may be prescribed by the Board of Trustees, and subject to subsection (e)(2) and subsection (e)(3). [5 ILCS 120/2.05]
- 2) If any witness at any meeting required to be open under the Open Meetings Act refuses to testify on the grounds that he or she may not be compelled to testify if any portion of his or her testimony is to be broadcast or televised or if motion pictures are to be taken, then the authority holding the meeting shall prohibit any such recording during the testimony of the witness, to the extent of subsection (e)(2). [5 ILCS 120/2.05]

f) Closed meetings.

- 1) Subject. The Board of Trustees may hold closed meetings to consider the following subjects:

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A) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of SURS, including hearing testimony on a complaint lodged against an employee to determine its validity [5 ILCS 120/2(c)(1)].

B) Collective negotiating matters between SURS and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees [5 ILCS 120/2(c)(2)].

C) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-judicative body, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning [5 ILCS 120/2(c)(4)].

D) The purchase or lease of real property for the use of SURS [5 ILCS 120/2(c)(5)].

E) The setting of a price for sale or lease of real property owned by SURS [5 ILCS 120/2(c)(6)].

F) The sale or purchase of securities, investments, or investment contracts [5 ILCS 120/2(c)(7)].

G) Emergency security procedures and the use of personnel and equipment to respond to actual danger to the safety of employees, staff, or public property, provided that a description of the actual danger shall be made a part of the motion to close the meeting [5 ILCS 120/2(c)(8)].

H) Litigation, when an action against, affecting or on behalf of SURS has been filed and is pending before a court of administrative tribunal, or when the Board of Trustees finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting [5 ILCS 120/2(c)(11)].

I) Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which SURS is a member [5 ILCS 120/2(c)(16)].

J) The classification and discussion of matters classified as confidential or continued confidential by the State Employees Suggestion Award Board (see 20 ILCS 405/67.28) [5 ILCS 120/2(c)(20)] and

K) Discussion of minutes of closed meetings, whether for purposes of approval by the Board of Trustees of the minutes, or for purposes of semi-annual review of the minutes [5 ILCS 120/2(c)(21)].

2)

Procedure.

- A) Vote. Upon the majority vote of a quorum present of the Board of Trustees at an open meeting, the Board may hold a meeting closed to the public or may close a portion of a meeting to the public. The motion to close a meeting, or a portion thereof, shall state a citation to the specific



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exemption set forth in Section 2 of the Open Meetings Act. [40 ILCS 120/2(c)] The vote of each member shall be taken by roll call vote, shall be publicly disclosed, and shall be recorded and entered into the minutes of the meeting.

B) Subject. Only topics specified in the vote to close may be considered during the closed meeting.

C) Series of meetings. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, provided each meeting in such series involves the same particular matters and is scheduled to be held within no more than 3 months after the vote. [5 ILCS 120/2a]

## g) Minutes of meetings.

- 1) Open Meetings.
  - A) Content. The Board of Trustees shall keep written minutes of all open meetings. The minutes shall include:
    - i) the date, time and place of the meeting;
    - ii) the members of the Board recorded as either present or absent; and
    - iii) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.
  - B) Public inspection. The minutes of any open meeting shall be available for public inspection within 7 days after the approval of such minutes by the Board of Trustees.
- 2) Closed Meetings.
  - A) Content. The Board of Trustees shall keep written minutes of all closed meetings. The minutes shall include:
    - i) the date, time and place of the meeting;
    - ii) the members of the Board recorded as either present or absent; and
    - iii) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.
  - B) Public inspection. The minutes of any closed meeting shall be available for public inspection only after the Board of Trustees determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping such minutes confidential.
  - C) Semi-annual review. The Board of Trustees shall semi-annually review minutes of all closed meetings. At such meetings a determination shall be made, and reported in an open session, that either:
    - i) the need for confidentiality still exists as to all or a part of those minutes; or
    - ii) the minutes or portions thereof no longer require confidential treatment and are available for public inspection. [5 ILCS 120/2.06(c)]

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(Source: Added at 22 Ill. Reg. effective

**FEB 9 1998**

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Real Estate Appraiser Certification

2) Code Citation: 68 Ill. Adm. Code 1455

3) Section Number  
1455.15 Proposed Action  
Amendment  
1455.30 Amendment

4) Statutory Authority: Implementing and authorized by Article 2 of the Real Estate License Act of 1983 [225 ILCS 455/Art.2]

5) Effective Date of Amendment: February 4, 1998

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it expires: July 1, 1998

7) Date Filed in Agency's Principal Office: February 4, 1998

8) Reason for Emergency: The Office of Banks and Real Estate has been notified by the Appraisal Subcommittee, Federal Financial Institutions Examination Council that, because of changes made at the federal level in the licensing requirements established by the Appraisal Qualifications Board, starting January 1, 1998, Illinois' state "certification qualification criteria (for appraisers) will not conform to those required under federal law." In particular, the hour experience requirements for appraisers certified in Illinois have fallen below federal standards. Appraisers certified under Illinois' current criteria "would not be qualified to perform appraisals in connection with federally related transactions; FannieMae, FreddieMac, and FHA real estate related financial transactions; and other transactions where the services of State certified appraisers are required under federal law." The Appraisal Subcommittee has further stated that for financial institutions to hire such appraisers for such appraisal assignments "would violate federal law" and that "financial institutions will have to be notified about this potential legal exposure." The effect of such action would be to nullify Illinois' appraiser licensing program by preventing Illinois licensed appraisers from securing assignments relating to the multitude of financial transactions for which appraisal requirements are established under federal law. Legislation currently on the Governor's desk (HB 1214) rewrites Illinois' licensing statutes for appraisers, effective July 1, 1998. This new law and the rules which will be adopted under it will bring Illinois into full compliance with the new federal requirements. In the meantime, the Office of Banks and Real Estate has been negotiating with the Appraisal Subcommittee on what can be done to protect the rights of Illinois appraisers licensed during the transition period until July when the new law becomes effective. The Appraisal Subcommittee has only very recently indicated that it will take no action against Illinois' appraiser certification program during the transition period if the

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subject emergency rules are adopted.

9) A complete description of the subjects and issues involved: The emergency rules increase the number of hours of experience which are credited to real estate appraisers for various types of appraisal activity to bring those appraisers into conformity with federal certification criteria as discussed above. The emergency rule also updates an incorporation by reference to the 1997 Uniform Standards of Professional Appraisal Practice (USPAP) to refer to the current 1998 edition of USPAP.

10) Are there any proposed amendments pending to this Part? No

11) Statement of Statewide Policy Objectives: This rule will not affect local government.

12) Information and questions regarding this amendment shall be directed to:

John Arthur, Legislative Liaison  
Office of Banks and Real Estate  
500 East Monroe, Suite 900  
Springfield, Illinois 62701  
217/782-3000

The full text of the emergency amendment begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VIII: OFFICE OF BANKS AND REAL ESTATE

## PART 1455

## REAL ESTATE APPRAISER CERTIFICATION

## SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

Section  
1455.10 Definitions  
1455.15 Uniform Standards of Professional Appraisal Practice

EMERGENCY  
1455.16 Jurisdictional Exceptions/Supplemental Standards  
1455.20 Education and Experience Requirements for State Licensed Real Estate Appraiser

1455.30 Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser

EMERGENCY  
1455.40 Application as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser

1455.50 Examination  
1455.60 Nonresident Licensure/Certification  
1455.70 Nonresident/Temporary Practice  
1455.80 Upgrade and Downgrade of Appraiser License/Certification

## SUBPART B: EDUCATION PROVIDERS

Section  
1455.200 Approval of Education Providers/Courses  
1455.205 Appraiser Continuing Education (CE)  
1455.210 Fees - Education Providers/Courses (Repealed)

## SUBPART C: GENERAL

Section  
1455.300 Renewals  
1455.305 Fees  
1455.310 Granting Variances

AUTHORITY: Implementing Article 2 of the Real Estate License Act of 1983 [225 ILCS 455/Art. 2] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494,

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effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8428, effective May 24, 1994; amended at 19 Ill. Reg. 9176, effective June 26, 1995; emergency amendment at 19 Ill. Reg. 12503, effective August 16, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16604, effective December 1, 1995; amended at 20 Ill. Reg. 6488, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 1685, effective January 27, 1997; amended at 21 Ill. Reg. 5538, effective April 18, 1997; emergency amendment at 22 Ill. Reg. 4132, effective February 4, 1998, for a maximum of 150 days.

## SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

Section 1455.15 Uniform Standards of Professional Appraisal Practice  
EMERGENCY

- a) The 1998 1997 Uniform Standards of Professional Appraisal Practice (USPAP), effective January 1, 1998 1997, by the Appraisal Standards Board of the Appraisal Foundation, 1029 Vermont Avenue, N.W., Suite 900, Washington, D.C. 20005-3517, are hereby incorporated by reference with no later amendments or editions.
- b) Real Estate Appraisers licensed/certified under the Act shall practice in accordance with USPAP standards except where the standard(s) is contrary to Illinois Law or public policy (USPAP, Jurisdictional Exception). Supplemental standards applicable to appraisals for specific purposes or property types may be issued by public agencies and certain client groups (e.g., regulatory agencies, eminent domain authorities, asset managers and financial institutions), provided that such supplemental standard(s) does not diminish the purpose, intent or content of the requirements of the USPAP.
- c) A copy of USPAP is available for inspection in the Division of Real Estate Appraisal Administration, Office of Banks and Real Estate, located at 500 East Monroe, Suite 500, Springfield, Illinois 62701 and may be purchased at cost from the Office (OBRE), if available; and is available for purchase from the Appraisal Standards Board of the Appraisal Foundation.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 4132, effective February 4, 1998, for a maximum of 150 days)

Section 1455.30 Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser  
EMERGENCY

An applicant for certification as a Certified Residential or Certified General Real Estate Appraiser shall meet the following education and experience



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## requirements:

- a) Education. A total of 120 hours for Certified Residential Real Estate Appraiser and 165 hours for Certified General Real Estate Appraiser are required. The courses must be real estate appraisal courses recommended by the Committee and approved by OBRE. For Certified Residential, a specific hour requirement is mandatory in each of 4 curricula. For Certified General, a specific hour requirement is mandatory in each of 5 curricula.
  - i) Courses approved for Certified Residential Appraiser will be assigned to an IL curriculum as set forth in Section 1455.200(b), and classroom hours must be achieved as follows:
    - A) Standards of Professional Appraisal Practice--15 hours (IL I).
    - B) Basic Principles of Appraisal--30 hours (IL II).
    - C) Valuation Procedures for Residential Property--30 hours (IL III).
    - D) Elective Courses-- 45 hours (IL E).
  - ii) Hours that have been approved in excess of the curriculum requirement, for courses in curricula IL I, IL II and IL III, will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.
  - iii) Coursework in the IL IV and IL V curricula will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.
- 2) Courses approved for Certified General Appraiser will be assigned to an IL curriculum as set forth in Section 1455.200(b), and classroom hours must be achieved as follows:
  - A) Standards of Professional Practice--15 hours (IL I).
  - B) Basic Principles of Appraisal--30 hours (IL II).
  - C) Valuation Procedures for Nonresidential Property--30 hours (IL IV).
  - D) Income Approach, Capitalization--30 hours (IL V).
  - E) Elective Courses--60 hours (IL E).
  - i) Hours that have been approved in excess of the requirement, for courses in curricula IL I, IL II, IL IV and IL V, will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.
  - ii) Coursework in the IL III curriculum will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.
- 3) Courses completed prior to January 1, 1993.
  - A) Courses shall be accepted by OBRE, upon review and approval of the Committee prior to January 1, 1993, if they are substantially equivalent to the curricula in Section 1455.200. In determining substantial equivalence, the Committee shall compare the content of each course submitted

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- to the topic requirements as set forth in Section 1455.200.
- B) The Commissioner shall approve real estate appraisal courses, upon recommendation by the Committee, with or without a final examination and whether or not the provider was approved by OBRE.
- C) Education credit may be earned by an applicant who successfully completes the examination(s) for approved course(s) set forth in subsection (a) above even though the applicant did not participate in the classroom portion of the instruction.
  - 4) All courses completed after January 1, 1993, shall be from courses and course providers licensed by OBRE in accordance with Section 1455.200. Credit will be earned only after course attendance and successful completion of an examination.
  - 5) Education credit may be earned by teaching courses approved by OBRE. To obtain education credit for teaching, the applicant shall provide verification from the education provider of the time period of employment and the course name.
    - A) One hour of education credit for every one hour of classroom instruction shall be awarded.
    - B) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations.)
    - C) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.
- b) Experience. Two years of appraisal experience is required for an applicant to be eligible to sit for the examination. Experience shall be earned in the following manner:
  - 1) One year is defined as 1,000 hours and 12 months (2 years equal 2,000 hours and 24 months). A maximum of 1,000 hours of credit may be earned by the applicant in any calendar year; however, a minimum of 24 months of experience is required.
  - 2) The 2,000 hour experience requirement may be awarded from approved experience which shall include fee appraisal, staff appraisal, mass appraisal, ad valorem tax appraisal, mass ad valorem appraisal, review appraisal or appraisal analysis, highest and best use analysis, feasibility analysis or study, real estate sales and brokerage, real estate counseling, real property management, teaching of OBRE approved appraisal courses and authorship pertaining to real estate appraisal or related subjects.
  - 3) For Certified Residential, a minimum of 50% of the requirement must be experience relating to residential property. For Certified General, a minimum of 50% of the requirement must be experience relating to nonresidential property. Hours shall be

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awarded for various types of appraisal and other experience as follows:

- A) 3020 hours for apartment property with 5-24 units.
- B) 6040 hours for apartment property with more than 24 units.
- C) 3020 hours for vacant land zoned for business, commercial, industrial; planned unit development, multiple family, single family which will accommodate more than one unit; and agriculture.
- D) 3020 hours for industrial property with buildings up to and including 25,000 square feet.
- E) 6040 hours for industrial property with buildings over 25,000 square feet.
- F) 3020 hours for office space up to and including 10,000 square feet.
- G) 6040 hours for office space over 10,000 square feet.
- H) 3020 hours for retail space up to and including 10,000 square feet.
- I) 6040 hours for retail space over 10,000 square feet.
- J) 6040 hours for specialized or special use property appraisals.
- K) 6040 hours for operating or specialized agriculture property.
- L) 1510 hours for single family residential property.
- M) 2315 hours for 2, 3 and 4 unit residential property.
- N) 105 hours for vacant residential land.
- O) Additional hours may be credited for appraisals. Experience hours listed in A through N are considered typical. If an applicant feels more hours should be awarded for an appraisal, he/she must list the hours requested and attach a written justification to the appraisal log. OBRE will consider the additional hours based upon the applicant justification statement and may request a photocopy of the appraisal(s) to assist in the decision. Experience credit will be awarded on time spent in the development of the appraisal and preparation of the report. Travel time will not be considered.
- P) Teaching Experience. Credit for teaching of OBRE approved appraisal courses shall not exceed 400 hours.
  - i) To obtain credit for teaching experience, the applicant shall provide verification from the education provider of the time period of such employment and the course name;
    - ii) Two hours of experience credit for every hour in the classroom shall be awarded (up to 400 hours) upon approval of the experience by the Committee.
    - iii) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be

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- given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations.)
- iv) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.
- v) An applicant may not earn both education and experience credit for teaching the same course.
- Q) Authorship. Credit for authorship of appraisal or appraisal related material shall not exceed 200 hours. The applicant shall submit to OBRE, at the time of application, a copy of the article, textbook or other published material and a statement indicating the amount of time spent in preparing these materials. OBRE will evaluate the material and may award experience credit based upon its judgment as to the contribution of skill or knowledge to the applicant or appraisal industry.
- R) Real Estate Sales and Brokerage experience shall be accepted if the experience is directly related to performing or reviewing appraisals, in accordance with Sections 1455.30(b)(3) through (6) and 1455.40(a)(2).
- S) Real Estate Counseling experience shall be accepted if it meets USPAP Standards 4 and 5. The experience will be awarded in accordance with Sections 1455.30(b)(3) through (6) and 1455.40(a)(2).
- T) Real Property Management experience shall be accepted if the experience is directly related to performing or reviewing appraisals, in accordance with Sections 1455.30(b)(3) through (6) and 1455.40(a)(2).
- U) Experience for mass appraisal, ad valorem tax appraisal and mass ad valorem appraisal shall be documented by the applicant's affidavit detailing the experience credit being requested; shall be certified by the assessment official in accordance with Section 36.11(b), Article 2, of the Act; and reported to OBRE in accordance with Section 1455.40(a)(2)(B).
- 4) Field and review appraisals conducted prior to January 1, 1992, shall:
  - A) Identify and describe the real estate being appraised;
  - B) Contain an indication of highest and best use (analysis);
  - C) Identify the real property interests being appraised;
  - D) Contain a definition of the value being estimated;
  - E) Set forth the effective date of the value estimate and the date of the appraisal report;
  - F) Set forth all assumptions and limiting conditions that affect the analyses, opinions and conclusions;
  - G) Set forth (in the report or file memorandum) the appraisal procedures followed and the reasoning that supports the

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- analysis, opinions and conclusions;
- H) Include the signature of the individual responsible for the analysis, opinions and conclusions contained in the report. The applicant seeking experience credit shall have signed the report or shall be listed in the report as an individual who provided a significant contribution. An affidavit of significant contribution shall be considered by OBRE if it is signed by the appraiser who signed the report or by an official of the organization, government, firm or other entity who was responsible for causing the appraisal to be prepared.
- 5) Mass appraisal projects completed prior to January 1, 1992, shall have been performed by application of mass appraisal methods and techniques deemed professionally appropriate at the time the project was undertaken. In evaluating the mass appraisal experience, OBRE will consider methods and techniques employed relative to Standard 6 of USPAP and the participation in the mass appraisal project by the applicant.
- 6) Appraisals of all types prepared after January 1, 1992, must conform to the standards set forth in USPAP that were in effect on the date the appraisal was signed.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective February 4, 1998, for a maximum of 150 days)

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## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

NOTICE OF NAMES OF PERSONS APPEARING  
TO BE OWNERS OF UNCLAIMED PROPERTY WHOSE  
LAST KNOWN ADDRESSES ARE IN CERTAIN STATES

TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONS

Pursuant to statutory requirement, the Illinois Department of Financial Institutions is publishing the names and last known addresses of unclaimed property owners whose last known addresses are allegedly in a state other than Illinois. The other state does not have a reciprocity arrangement with Illinois.

If your name or that of a person you represent appears below, you may contact the Department for further information about the assets.

INQUIRIES MUST BE IN WRITING. The written inquiry should include the name and address as listed, and the correct name and address for reply. If inquiring about a name other than your own, you must indicate your authority to act on behalf of that person.

Address written inquiries to:

UNCLAIMED PROPERTY DIVISION  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
P.O. Box 19495  
Springfield, Illinois 62794-9495

AUTHORITY: Implementing and required by the Illinois Uniform Disposition of Unclaimed Property Act, (765 ILCS 1025/12).



DEPARTMENT OF FINANCIAL INSTITUTIONS		DEPARTMENT OF FINANCIAL INSTITUTIONS	
NOTICE OF PUBLIC INFORMATION		NOTICE OF PUBLIC INFORMATION	
ABBOTT	SHIRLEY I APT 216 1925 S VAUGHN AURORA	ANDERSON	ERIC A A BTRY 92ND FA 2AD FT HOOD
ABULUGHOD	JAVAD I 306 EDGEHILL AVE SE GRAND RAPIDS	ANDERSON	MICHAEL P 610 E 4TH WATERLOO
ACEDO	MAISABEL 473 E CALLE SOCORRO NOGALES	ANDLER	FRANCES PO BOX 2058 BEMIOJI
ADCOX	HILDA N 29650 COURTSIDE 17 WILSONVILLE	ANDLER	HOWARD PO BOX 2058 BEMIOJI
ALABAMA A&M UNIVERSITY		ANDREONI	ANGELINA PROV LUCCA COLOGNORA DIP COMPIITO ITALY
ALABAMA PRESS ASSOCIATION		ANDREONI	IVANA PROV LUCCA COLOGNORA DIP COMPIITO ITALY
ALAKSON	CYNTHIA L 18253 FILMORE ST LIVONIA	ANDREONI	IVANO PROV LUCCA COLOGNORA DIP COMPIITO ITALY
ALASKA HSG SER J BONDS		ANDREWS	WILLIAM APT 7 C 170 WALNUT NEW ORLEANS
ALBRECHT	DAVID R USS MACDONOUGH DDG39 CHARLESTON	ANDRIOTI	DESPINA PO BOX 550 ATLANTA
ALEJANDRO	CESAR A 1125 L PUA LN HONOLULU	ANDRIOTIS	CHRISTOS PO BOX 550 ATLANTA
ALESSIA	JORGE A 536 8 41 BUENOS AIRES ARGENTINA	ANDROUTSOPOULOS	ADAM 63 ACEDEMIAS ST ATHENS GREECE 10678
ALLEN	BRIAN D 603 CURRIN DR HARRISBURG	ANGENCIAS UNIDAS DE	APARTADO NO 391 GUATEMALA
ALVIN	KAROLINE M 6000 FRANKFURT MAIN 50 GERMANY	ANOLIN	SAMUEL V USS DEWEY DDG 45 CHARLESTON
AMERICAN BADGE CO	KEAAU HI 96749-9320	AOUN	CHAKER A 7628 OAKMAN BLVD DEARBORN
AMERICAN NATIONAL BANK	GUADALAJARA JAL MEXICO	APPLIN	D 461 HERCULES 9 EL PASO
ANCONA	CARLOS 201 BLESSING ST FT BENNING	ARIAS	FREDDY 951 FDZ JONCOS 403 SAN JUAN
			TX 79904-0000
			PR 00907-0000
			MI 48126-1124
			SC 29408-0000
			FA 00000-0000
			GA 30301-0000
			GA 30301-0000
			FA 00000-0000
			LA 70118-0000
			GA 30301-0000
			GA 30301-0000
			FA 00000-0000
			FA 00000-0000
			SC 29408-0000
			MI 48126-1124
			TX 79904-0000
			PR 00907-0000

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ARMASTRONG	MICHAEL	L 6711 LIBERTY VALLEY KATY	TX 77449-0000
ARMSTRONG	ERIC	W 4136 E 52ND ST ODESSA	TX 99762-0000
ASHLEY	MITCHELL	R 223 F MALLARD CT ST MARYS	GA 31558-0000
ASHLEY	SANDRA	PO BOX 603 RIO HONDO	TX 78583-0000
ASTHANA	ILA	MAYUR VIHAR PHASE I NEW DELHI INDIA	FA 00000-0000
ATLANTA JOURNAL CONSTITUTION		PO BOX 4689 ATLANTA	GA 30302-0000
ATTARYAN	MELINE	NISLI HAN KAT 3 304 TURKEY	80000 FA 00000-0000
ATWOOD	JAMIE	F R 2 BOX 640 DOVER	TN 37058-0000
AUSBORN	BOBBY	A A BTRY 21ST FA FT HOOD	TX 76544-0000
AUSTIN	MICHAEL	HMC 47TH CSB FT SILL	OK 73503-0000
AZAR	LEILA	E TSIM SHA 18 22 SALISBURY RD CHINA	OK 73136-0000 FA 00000-0000
BAGBY	HAROLD	L PO BOX 11534 OKLAHOMA CITY	OK 73136-0000
BAIRD	KIMBERLY	J 480 NE 52ND AVE DES MOINES	IA 50313-0000
BAKER	WADE	C 3701 KELTNER 33 EL PASO	TX 79904-0000
BALANI	VIKAS	20 TOWNLEY ROAD B FAIR LAWN	NJ 07410-0000
BALCIUNIENTE	EMILIJA	APT 11 3910 CENTRAL AVENUE HOT SPRINGS	AR 71913-0000

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BALDERAS	CARMEN	1725 WHITNEY DR GARLAND	TX 75040-5381
BALDERAS	JUAN	M 1725 WHITNEY DR GARLAND	TX 75040-5381
BALDUFF	RICHARD	A 309 W KIOWA OCHELATA	OK 74051-0000
BALLUFF	ADELBERT	R 2715 W 47TH ST DAVENPORT	IA 52806-5025
BALLUFF	ESTHER	2715 W 47TH ST DAVENPORT	IA 52806-5025
BANK OF AMERICA NEW MEXICO			IL 00000-0000
BANK OF EAST ASIA HONGKONG			00000-0000
BARCLAY	ARTHUR	C 632ND MAINT CO FT STEWART	GA 31314-0000
BARKER	FEDERICO	C 1221 N E 28TH AVE POMPANE BEACH	FL 33012-0000
BARNETT	ALFRED	A PENWOOD NR NRWBURY BERKSHIRE	FA 00000-0000
BARONA	CONSUELO	MONTREAL H3W 1W6 4610 CANADA	QUEEN MARY RD FA 00000-0000
BARRIENTOS	ROBERT	D A CO 3 6TH INF FT POLK	LA 71459-0000
BARTKUS	BARBARA	R 2301 BROADMOOR 263 BRYAN	TX 77802-2659
BASEY	JAMES	L RR 1 BOX 529 SPRINGVILLE	TN 38256-0000
BASEY	JILL	A RR 1 BOX 529 SPRINGVILLE	TN 38256-0000
BASSARIS	HARRY	GR17671 KALLITHEA ATHENS GREECE	FA 00000-0000

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BAVER	BENNO	7944 E CLOUD RD TUCSON	AZ	85715-0000
BEALE	CLARENCE	E 570 CARLISLE DR MORRISVILLE	PA	19067-0000
BEAN	ALTON	R RR 2 BOX 53 EVA	AL	35621-0000
BEATTIE	ROGER	L 1510 HIGHWAY 501 MYRTLE BEACH	SC	29578-0000
BECK	THERESA	5705 E TEXAS 37 BOSSIER CITY	LA	71111-0000
BECKER	JOYCE	4402 MURRAY DR SE DECATUR	AL	35603-0000
BEE	KARL	P 816 E 10TH PINE BLUFF	AR	71601-0000
BEEBE	ROGER	R 2 BOX 36 LAKE VIEW	IA	51450-0000
BEIER	DELORES	N 85 PALO GRANDE DR BROWNSVILLE	TX	78521-0000
BEIER	MAX	85 PALO GRANDE DR BROWNSVILLE	TX	78521-0000
BELCHER	ERIK	S 1500 SPARKMAN DR NW 28H HUNTSVILLE	AL	35816-0000
BELIZARIO	NELSON	54 WEXFORD DR MENDHAM	NJ	07945-0000
BELL	ANTHONY	D CO 57TH SIG BN FT HOOD	TX	76545-0000
BENABIB	ELIAS	FUENTE DE TEBAS 6 MEXICO CTY	FA	00000-0000
BENE	JANICE	C 19 WINDEMERE DR GREENVILLE	SC	29605-0000
BERNSTEIN	RUTH	C 516 N MCKEAN ST BUTLER	PA	16001-4428

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BERRY	GERALD	L B CO 2 29TH FT BENNING	GA	31905-0000
BERTSCHINGER	JON	L 1722 BELLE ST JOSEPH	MO	64503-0000
BESBEKES	CATINA	KIATON CORINTHIAS GREECE	FA	00000-0000
BESBEKES	MARIA	KIATON CORINTHIAS GREECE	FA	00000-0000
BEST	KIMBERLY	M APT 2 4912 BLACKFOOT RD COLLEGE PARK	MD	20740-0000
BETTIS	MARVIN	RT 3 BOX 176 GROVE HILL	AL	36451-0000
BHAKTASHARAN	PATEL	C 1055 POPES VALLEY DR COLORADO SPRINGS	CO	80919-7904
BHC SECURITIES INC		100 N 20TH STREET PHILA	PA	19103-1443
BILAL	PARVEEN	APT 1015 2115 TAN OAK LN ARLINGTON	TX	76010-0000
BILHORN	GEORGE	PO BOX 8963 WILMINGTON	DE	19899-8963
BILLHOFFER GBC INC		96 FORD RD DANVILLE	NJ	07834-0000
BILLICK	DENNIS	PO BOX 30225 NEW BRUNSWICK	NJ	08989-0225
BIOS		1 CHURCH ST NEW HAVEN	CT	06510-0000
BLACK	IAN	49 MORAY PL SCOTLAND	FA	00000-0000
BLEDSE	ROBBIE	A 2511 NEVONNA CHARLESTON	SC	29405-0000
BODABUG CREATIONS		RT 1 BOX 216 CEDAREGGE	CO	81413-9801



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BOLIN	WILLIAM	M 4008 HANCOCK CIRCLE ATLANTA	GA 30340-0000
BOLTON	ROY	W 40 N ENOLA DR ENOLA	PA 17025-0000
BOUCHER	FRANK	28 SILVER ST WATERBURY	CT 06705-0000
BOWERS	CHARLES	E 13311 KRAMERIA WAY TAMPA	FL 33626-0000
BOWERS	FLOYD	E 13311 KRAMERIA WAY TAMPA	FL 33626-0000
BOXMAN	BRADD	H PO BOX 266 ST THOMAS	FA 00000-0000
BOXMAN	LINDA	B PO BOX 266 ST THOMAS	FA 00000-0000
BOYD	THADDEUS	L 1308 ABNER ST WAYCROSS	GA 31501-0000
BOZMAN	ALFRED	C 8638 OLD WESTOVER MARION WESTOVER	MD 21871-0000
BRAGA	LINDA	K 100 BOW CREEK CR RED OAK	TX 75154-0000
BRAGER	MICHAEL	2312 3 AVE N W CALGARY CANADA	FA 00000-0000
BRALL	CAROL	A 3002 PIONEER AVE PITTSBURG	PA 15226-0000
BRALL	CATHERINE	3002 PIONEER AVE PITTSBURG	PA 15226-0000
BRAND	STUART	O APT 323 942 MAIN ST HARTFORD	CT 06103-0000
BRANTLEY	GALVESTER	PO BOX 48 MARIANA	AR 72360-0000
BRAUNSTEIN	EDNA	2106 FORBES ST PITTSBURGH	PA 15219-0000

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BREWER	LEONOR	A 51709 4 KARAWAKA CIR FT HOOD	TX 76544-0000
BRICE	OCTAVIA	483 ELLEE ST PITTSBURGH	PA 15221-0000
BRISCOE	IDA	B 509 MCGEE ST PEMBROKE CANADA	FA 00000-0000
BROCKWAY	MARSHAN	W 2ND PLT MCSFCO CHARLESTON	SC 29408-0000
BROMELL	JIMMIE	T C 2 14 INF 10TH FT BENNING	GA 31905-0000
BROOKS	RICHARD	APT 03 2704 N SW 52ND LAWTON	OK 73505-0000
BROOKS	SO	U APT 03 2704 N SW 52ND LAWTON	OK 73505-0000
BROOKS	STANLEY	J PO BOX 906 DOUGLAS	GA 31533-0906
BROWN	BRENDA	B 2916 WALKER ST COLUMBUS	GA 31903-0000
BROWN	CHRIS	M 2565 N PREIUR ST NEW ORLEANS	LA 70117-0000
BROWN	DELTON	E B BTRY 4 5 FA FT RILEY	KS 66442-0000
BROWN	MARGARET	46305 WESTMINSTER MT CLEMENS	MI 48044-0000
BROWN	ROBERT	N03 BOUNTY RD E FT WORTH	TX 76132-0000
BROWN	TODD	A 303 BAY ST PO BOX N8168 NASSAU BAHAMAS	FA 00000-0000
BROWN	WALTER	T 5816 BALLEE DR 1 LITTLE ROCK	AR 72209-0000
BRUCATO	LORAIN	315 E MAPLE ST 1 LEBANEN	PA 17046-0000

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BRUNNER	ORVIN	H 1109 LINCOLN 3 LAWTON	OK 73501-0000	BURTON	NATHANIEL	1926 LEGRANDE ST SELMA	AL 36701-0000
BRYAN	ANGELA	6400 WURZBACH RD SAN ANTONIO	TX 78240-4800	BUTLER UNIVERSITY			IN 00000-0000
BRYAN	CHARLES	6400 WURZBACH RD SAN ANTONIO	TX 78240-4800	BYRD	MAJOR	PO BOX 15880 FORT WORTH	TX 76119-0000
BRYANT	CASEY	D CO 1 56B FT BENNING	GA 31905-0000	CADWALLENDER	WILLIAM	342 MAXIM DR HOPATCONG	NJ 07843-0000
RUCK	KEN	J KEAAU	HI 96749-9320	CALDWELL	JIMMY	D 1030 LAUFFER CT FT BENNING	GA 31905-0000
BUEHLEN	VINCIE	6145 BARRULBGTON OAKS CEDAR HILL	MO 63016-0000	CALDWELL	TIMOTHY	28551 S EXTENSION MESA	AZ 85210-0000
BUEHLEN	WILLIAM	6145 BARRULBGTON OAKS CEDAR HILL	MO 63016-0000	CALONICO	JACQUELINE	D C CO 24TH SIG BN FT STEWART	GA 31314-0000
BUENTELLO	LEONARD	100 SHADWELL SAN ANTONIO	TX 78212-0000	CANTU	FRANK	G 2617 WAINWRIGHT CORPUS CHRIST	TX 78405-0000
BULEN	BRADLEY	O 330 W 2ND ST E NEWARK	NJ 07029-000	CANTU	GERARDO	RESID SAN PATRICIA GARZA GARCIA NL 6	FA 00000-0000
BURNETT	JAMES	1624 FRESNO 117 FORT SMITH	AR 72901-00 )	CAPCO INC		1328 WINTER AVE GRAND JUNCTION	CO 81501-0000
BURNETT	JANICE	1624 FRESNO 117 FORT SMITH	AR 72901-0000	CAPELAND	ROBERT	S 922 POWER ST CLARKSVILLE	TN 37042-0000
BURNEY	DAVID	F USMC NSG KINGSBAY	GA 31547-0000	CAPERS	TERRY	W 827 FLENT ST ALLENDALE	SC 29810-0000
BURRELL	JOHN	6442 CAMELBACK ROAD SCOTTSDALE	AZ 85251-0000	CARRELL	A	S PO BOX 2154 SPLENDORA	TX 77372-2154
BURROW	MALCOLM	120 GROSS RD 11H KINGSLAND	GA 31548-0000	CARSON	CHARLES	O 3012 W FILMORE PHOENIX	AZ 85009-0000
BURROWS	JAMES	BRANTRIDGE PARK BALCOMBE WEST SUSSEX ENGLAND	FA 00000-0000	CARY	RICHARD	PO BOX 1308 WOODRUFF	WI 54568-0000
BURTON	JOEY	L 25648 W 12 MILE RD 302 SOUTHFIELD	MI 48034-0000	CASH	DANITA	L HHD 553 S & S BN FT HOOD	TX 76544-0000

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CASHFLOW DESIGN INC	ONE MONROEVILLE CENTER MONROEVILLE	PA	15146-0000
CASIANA	VICTOR	M D CO 3 7TH INF FT BENNING	GA 31905-0000
CASPER	HEATH	C 2329 JOHN RD KILLEEN	TX 75221-0000
CASTANEDA	STEVE	3419 GRAND EAST CHICAGO	IN 00000-0000
CASTILLO	RODOLFO	MARGIL 30A MATEHUALA 0	FA 00000-0000
CASTILLO	STEPHEN	9007 BLDG HFC 1 29TH INF FT BENNING	GA 31905-0000
CATHOIR	ANDRE	3 INDEPENDENCE WAY PRINCETON	NJ 08543-0000
CATHOIR	SUZY	3 INDEPENDENCE WAY PRINCETON	NJ 08543-0000
CAUSEY	BARRY	E CO 7TH ENG FT POLK	LA 71459-0000
CAYNE	MARK	E B CO 46TH ENG BN FT RUCKER	AL 36362-0000
CENSUS MICROFILM		PO BOX 30 ANNAPOLIS JUNCTION	MD 20701-0000
CHANG	LIYEN	2 5 NIU CHOU TSU CHENG KUNG VILLAGE TAINAN HSIEN TAIWAN	FA 00000-0000
CHAPMAN	KEITH	A 1361 WEDELL AVE YPSILANT	MI 48198-0000
CHAPMAN	LEONA	N 115 N PILATE AVE NEWTON	MS 39345-0000
CHARTER BANK & TRUST LTD		CARIBBEAN COMMERCIAL CENTRE THE VALL ANGUILLA	FA 00000-0000
CHASE	EDWARD	250 QUEENS QUAY WEST CANADA	TORONTO ONTARIO FA 00000-0000

CINCINNATI TREASURER

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CHEN	CHIH	APT 11 2 HANGCHOW S RD TAIPEI 10044 TAIWAN	FA 00000-0000
CHEN	CHIH	SEC 1 LN 21 APT 11 2 TAIPEI 10044 TAIWAN	FA 00000-0000
CHEN	YU	APT F 2506 ROSEBUD LN LAWRENCE	KS 66046-0000
CHEUNG	TERRY	W PAK HOI MANSION FLAT 25E FA	00000-0000
CHEVALIER	DENNIS	W 11 WOODVIEW LANE NORTH WALES	PA 19454-0000
CHEVERE	ANA	MOCA 007169609 PUERTO RICO FA	00000-0000
CHEVERE	CARMEN	D PO BOX 867 JAYUYA 006640867	FA 00000-0000
CHIH	TIENKU	2 5 NIU CHOU TSU CHENG KUNG VILLAGE TAINAN HSIEN TAIWAN	FA 00000-0000
CHINEA	JOSE	L 1573 A LESLIEROSS FT BLISS	TX 79906-0000
CHO	SHAKU	13 5 4 CHOME AKASAKA ROOM 256 MINATO TOKYO JAPAN	FA 00000-0000
CHOI	JUNG	S 210 FREDERICK ST PARAMUS	NJ 07652-0000
CHU	CHAE	R 1102 22 SANGRE 1 DONG NOWON GU 139 2 SEOUL SOUTH KOREA	FA 00000-0000
CHUHA	GLORIA	223 DAVID ST JOHNSTOWN	PA 15902-0000
CIMO	VINCENT	BENYAMINA NORTE 2 APT 3B SPAIN	FA 00000-0000
CIMO	VINCENT	TORREMOLINOS BENYAMINA NORTE 2 APT 3 SPAIN	FA 00000-0000
CINCINNATI TREASURER			OH 00000-0000



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COMER	GILBERT	S R R 6 BOX 33 PINE BLUFF	AR	71602-0000
COMMONSENSE INC		UNITED KINGDOM ENGLAND	FA	00000-0000
CONNECTICUT GENERAL		PO BOX 10416 DES MOINES	IA	50306-0000
CONTIS	CONSTANTINE	ATHENS OLYMPIAS 3 S GREECE	FA	00000-0000
CONVERSE	SCOTT	C 2503 PANAGARD 1507 HOUSTON	TX	77082-0000
COOLEY	GRANVILLE	71 LONE OAK VILLAGE PARIS	TN	38242-0000
COOPER	CARLA	J UNIT 14 1011 PIERCE ST LAKEWOOD	CO	80214-0000
COPELAND	DANIEL	L PO BOX 109 ELMENDORF AFB	AK	99506-0000
COPPEDGE	ALVENIA	L C 1 28 3RD PLT FT JACKSON	SC	29207-0000
CORDERO	VICTOR	R 5239 YECKAL ST 2 FT HOOD	TX	76544-0000
CORELAND	DANIEL	L PO BOX 109 ELMENDORF AFB	AK	99506-0000
CORMAN	THOMAS	R 765 E 16TH ST HOUSTON	TX	77008-0000
CORONA	APOLIN	301 HALKEIF SOUTH HOUSTON	TX	77587-0000
CORTESIA	JUDITH	M 608 N E 16TH AVE 3 FT LAUDERDALE	FL	33304-0000
COX	THERESA	A 12791 B RIVERCREEK DR FAIRHOPE	AL	36532-0000
CRAIGEN	MARK	4 ADAMS CT		

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

CITY OF INDIANAPOLIS MARION COUNTY			IN	00000-0000
CLACKAMAS COUNTY			IL	00000-0000
CLARK	BERRY	WOODBROOK AVE ABATIMORE	MD	21217-0000
CLARK	EVE	I WORTHINGTON		00000-0000
CLATENBACK	SONIA	RIO PIEDRAS 00928 PO BOX 45	FA	00000-0000
CLAUDE	ANTHONY	J 4224 PRESCOTT 1 DALLAS	TX	75219-0000
CLAYBORN	JOHN	R 408 E 8TH ST DAVENPORT	IA	52803-0000
CLEMENTE	CARMINE	VIA S PASQUALE NO 112 BENEVENTO 82100 ITALY	FA	00000-0000
CLONAN	JIM	4137 FRANKLIN ROAD PITTSBURGH	PA	15214-0000
COBBLER	ANTHONY	I 1735 ROOSEVELT CIR HELENE	AR	72342-0000
COBBS	BETTIE	R 3533 PROVIDENCE BURTON	MI	48503-0000
COLE	WOODROW	W RT 2 BOX 183 WIGGINS	MS	39577-0000
COLLINS	CHARLES	349 TDM BAYNE WEST POINT	MS	39773-0000
COLLINS	M	UNIVERSITY COLLEGE OX1 4 BH OXFORD UNITED KINGDOM	FA	00000-0000
COLLINS	ULYSSES	PO BOX 3254 COLUMBIA	SC	29230-0000
COMER	CHRISTINE	R R 6 BOX 33		

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CRAMBLET	CATHLEEN	LAKE OSWEGO	OR 97035-0000
		C APO AE NEW YORK 09102	FA 00000-0000
CRAWFORD	BRIAN	K 37403 HONEYSUCKLE TEKARKANA	TX 75503-0000
CRAWN	CHARLES	J NAVAL HOSPITAL WARD 1C PHILADELPHIA	PA 19154-0000
CRESPEGNE	LUCILLE	108 W MARGARET IRON MOUNTAIN	MI 49801-0000
CRITTENDON	CHRISTOPHER	R 3957 LUTHER ROAD BARTKETT	TN 38135-0000
CRITTENDON	RON	3957 LUTHER ROAD BARTKETT	TN 38135-0000
CROMEDY	STEVEN	D 177 WALLACE BLVD CLARKSVILLE	TN 37042-0000
CROW	KAREN	L UNIT 1026 10255 E VIA LINDA SCOTTSDALE	AZ 85258-5319
CRYER	PHYLLIS	D 932 SW 57 OKLAHOMA CITY	OK 73109-0000
CUCHACOVICH	IRENE	WEIZMANN 30 1 REHOVOT 76282 ISREAL	FA 00000-0000
CUMMING	JAMES	30 SOI 30 ALADIN PHOHLYOTIN RD KANGKOK THAILAND	FA 00000-0000
CUNNINGHAM	PHILLIP	L B CO 2 18 INF FT BENNING	GA 31905-0000
CURLETT	PHILLIP	USS JULIUS A FURER CHARLESTON	SC 29408-0000
DAHL	TIMOTHY	G MAINT TRP 3RD ACR FT BLISS	TX 79916-0000
DANN	DAVID	N 54 RINGWOOD RD BEIGHTON SHEFFIELD UNITED KINGDOM	FA 00000-0000
DARTMOUTH DODGE		NOVA SCOTIA	

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DATES	CHRISTIANE	L 613 BRIAR CREEK LA PORTA	TX 77571-0000
DAVIE	ANNAMAE	C APT 1 77 WILEY RD FENNIVILLE	MI 49408-0000
DAVIS	HARRY	R 7891 N CIR DR PARMA	MI 49269-0000
DAVIS	ORLANDIS	A NMCB 7 H CO GULFPORT	MS 39501-0000
DEA	PAUL	H 2531 IVERSON ST HILLCREST HTS	MD 20748-0000
DEGENHART	EDITH	L SEDANSTRASSE 19 HAMBURG 13 GERMANY	FA 00000-0000
DEGENHART	ELAINE	R SEDANSTRASSE 19 HAMBURG 13 GERMANY	FA 00000-0000
DEJARDIN	TERESA	1514 HOLLY STREET WESTLINN	OR 97068-0000
DELAM	CHING	CARRERA 6 NO 9 29 SAN CRISTOBAL VENEZUELA	FA 00000-0000
DELAWARE CHARTER GUARANTEE		PO BOX 8963 WILMINGTON	DE 19899-8963
DELAWARE SECRETARY OF STATE		PO BOX 898 DOVER	DE 19903-0000
DELEON	J	M PO BOX 262 CARRIZO SPRING	TX 00000-0000
DEMEYER	BERNARD	RUE DE LA CLOSERIE 28NOISY LE GRAND FRANCE	FA 00000-0000
DEMEYER	HERMINIA	RUE DE LA CLOSERIE 28NOISY LE GRAND FRANCE	FA 00000-0000
DENNEHY	JOHN	I APT 203 2100 INDIAN CREEK BLVD E VERO BEACH	FL 32966-0000
DEVA	NARENDRA	CALCUTTA 8 LITTLE RUSSEL ST	

DEPARTMENT OF FINANCIAL INSTITUTIONS			
NOTICE OF PUBLIC INFORMATION			
DEW	KATIE	INDIA L PO BOX 334 YAZOO CITY	FA 00000-0000 MS 39194-0000
DEWINDT	JOSEPHINE	POSTAL STATION C BOX CANADA	EDMONTON ALTA FA 00000-0000
DICOMPTO	IVANO	PROV LUCCA COLOGNORA DI ITALY	COMPITO FA 00000-0000
DIEBOLD	DOREEN	PO BOX 185 STN MTL NORD CANADA	MONTREAL QUE FA 00000-0000
DILL	DOYLE	E R R 2 BOX 1530 SEUMY	TX 75158-0000
DILLARD	SANDY	APT 22B 5155 KEELE ST JACKSON	MS 39206-0000
DILLINGHAM	R	RT 2 BOX 65 B ALEDO	TX 76008-0000
DIM DA DEVELOPMENT CO LTD		8F 11F NO325 CHUNG HSIAO E RD SEC 4 EI TAIWAN ROC	FA 00000-0000
DIST OF COLUMBIA COURT			DC 00000-0000
DIULIO	CHERIE	R 188 B WHITEHORSE PKE BERLIN	NJ 08009-0000
DOANER	ROSEMARIE	6082 WALDORF	FA 00000-0000
DODD	GERALD	D 2113 KENTUCKY AVE FENTON	MI 48430-0000
DOMMEL	ROBIN	L 103 N FRANKLIN PALMRYA	PA 17078-0000
DONLE	HANS	BENDER STR 31 D 8000 W GERMANY	MUNICH 60 FA 00000-0000
DONLE	RENATE	BENDER STR 31 D 8000 W GERMANY	MUNICH 60 FA 00000-0000
DONNER	WILLIAM	J 1924 STOUTS RD	
DEPARTMENT OF FINANCIAL INSTITUTIONS			
NOTICE OF PUBLIC INFORMATION			
DONOFRIO	DENISE	BIRMINGHAM M 1102 E BRAEBURN DR PHOENIX	AL 35234-0000 AZ 85099-0000
DORSON	DWIGHT	D GENERAL DELIVERY LUDOWICI	GA 31316-0000
DOWNING	JOHN	R 54 WEXFORD DR MENDHAM	NJ 00000-0000
DOWNES	PAUL	A APT E 6338 SPID CORPUS CRISTI	TX 78412-0000
DROMGOOLE	CHRISTINE	K 1143 KNOLL CREST CT SUGARLAND	TX 77479-0000
DRONE	JOHN	E 1187 FARMMEADOW TR OAKVILLE	FA 00000-0000
DUDA	DOROTHY	J 444 MCCANN DRIVE MIDLAND	MI 48640-0000
DUMSE	ERIC	S 8250 E ARABIAN TR 274 SCOTTSDALE	AZ 85258-1855
DUMSE	VICKIE	C 8250 E ARABIAN TR 274 SCOTTSDALE	AZ 85258-1855
DUNCAN	EDITH	M 371 E GLENN RD HERSHEY	PA 17033-2160
DUNCUN	STEPHEN	L 17646 N 34TH AVE PHOENIX	AZ 85023-6600
DUNMAN	CHRISTIAN	L 20TH NAVAL CONST REGIMENT BILOXI	MS 39501-0000
DUPARS	ROSYLAN	D BTRY 3 43 ADA FT BLISS	TX 79916-0000
DURAN	IGNACIO	10236 RHUTAN ROAD EL PASO	TX 79927-5041
DURELLI	AUG	J PO BOX 6 MYERSVILLE	MD 21773-0000



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DUVALL	BEECHER	1715 BLOUMONT CIRCLE DERLUTH	GA 30136-0000
DYCUS	JAMES	HHB 1 5 FA FORT RILEY	KS 66442-0000
EARL	ROY	40A CARTER ST E HARTFORD	CT 06118-0000
EARLE	TINA	RT 11 BOX 278 SEIVERVILLE	TN 37862-0000
EAST	KEVIN	J 7292 HILLSBORO CANTON	MI 48187-0000
EDOM	BENNIE	J RT 1 BOX 345 LOUISVILLE	AL 36048-0000
EKSTROM	LAURIE	9287 E CAMINO DELSANTO SCOTTSDALE	AZ 85260-0000
ELDORADO MANUFACTURING		POB 16105 HOUSTON	TX 77222-0000
ELIZABETH AUTO WRECKING		611 GROVE ST ROUTE 1 ELIZABETH	NJ 00000-0000
ELLIOTT	CHRISTINE	K 4 MOCKINGBIRD HACKETTSTOWN	NJ 07840-0000
ELLIOTT	MICHAEL	A NMCB 133 A CO GULFPORT	MS 39501-0000
EMERSON	DR	200 CORNELIA BLDG 400 5 W 65TH ST MPLS	MN 55435-0000
ENGINEER	GOPI	A 1236 WILLOWBROOK DR SE HUNTSVILLE	AL 35802-3841
ENGINEER	NUPUR	A 1236 WILLOWBROOK DR SE HUNTSVILLE	AL 35802-3841
ENGLISH	JOSEPHINE	RR 1 BOX 191 PHEBA	MS 39755-0000
ENGLISH	MAURICE	2220 RITTENHOUSE SQUARE PHILADELPHIA	PA 19103-5505

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EOIN	MAIRE	SHANCARNAN MOYNALTY KELLIS CO MEATH IRELAND	FA 00000-0000
EQUITABLE		BOX 10370 DES MOINES	IA 50306-0000
ERKINS	LULA	1850 S BASSETT DETROIT	MI 48217-0000
ESCO	CURTIS	H 3510 MCCONNELL 4 EL PASO	TX 79904-0000
EVANS	MARVIN	RR 1 BOX 231 SHARON	TN 38255-9782
EVANS	SIMON	NEWFOUNDLAND 30 ELSWICK ROAD	FA 00000-0000
EWING	WILLIAM	N 612 AIRPORT ACCESS RD TRAVERSE CITY	MI 49684-0000
FAGBENRO	BOLUPE	M ILO PO BOX 90 OTTA OGUN STATE NIGERIA	FA 00000-0000
FAGER	SHIRLEY	23455 MANISTEE OAK PARK	MI 48237-0000
FAJERSON	WESLEY	D RT 1 BOX 324 ECHO VALLEY JACKSONVILLE	TX 75766-0000
FAMILAR	CARMELITA	T 315 GARDEN CREEK DANVILLE	CA 94526-0000
FANCALI	DEBRA	A 936 EAST MANOR DRIVE CHANDLER	AZ 85225-0000
FANTOZZI	GIULIA	51011 PISTOIA PR 2 BORGO A BUGGIANO ITALY	FA 00000-0000
FARMER	ALBERT	2F SPRINGRIDGE CT BALTIMORE	MD 21244-0000
FAVERS	DONALD	L 632ND MAINT CO FT STEWART	GA 31313-0000
FAWCETT	VIRGINIA	465 TEXLA RD VIDOR	TX 77662-0000

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FORTUNE	L	B 34746 BUNKER HILL DR FARMINGTON HILLS	MI 48331-3231
FOSTER	APRIL	90 FOSTER STREET SOUTH WINDSOR	CT 06074-0000
FOSTER	E	3900 14 MILE RD WARREN	MI 48092-0000
FOSTER	TODD	A 120 WYNNWOOD DRIVE PITTSBURGH	PA 15215-0000
FOX	EDWARD	6 15 19 ROPPONGI TOKYO JAPAN 106	FA 00000-0000
FOX	LYLE	B 6 15 19 ROPPONGI TOKYO JAPAN 106	FA 00000-0000
FOX	SHAYAH	6 15 19 ROPPONGI TOKYO JAPAN 106	FA 00000-0000
FRANCISCAN MEDICAL CENTER		PO BOX 12170 OVERLAND PARK	KS 66212-0000
FRANK	H	P LINZ BOSCHWEG 7 A 4030 AUSTRIA	FA 00000-0000
FRASER	DANIEL	S HSC 92ND ENGR BN FT STEWART	GA 31314-0000
FREEMAN	NELSON	2565 S NEWTON DENVER	CO 80219-0000
FRETENBURG	HARVEY	F 2022 181ST SURREY	FA 00000-0000
FROMMER	CHARLES	H 3 ASHLEIGH CT LEN COVE	NJ 11542-0000
FROMMER	LORI	3 ASHLEIGH CT LEN COVE	NJ 11542-0000
FUND	ELIZABETH	1679 SPLITRAIL ENCINITAS	CA 92024-0000
FUND	HARRY	1802 PARLIAMENT ENCINITAS	CA 92024-0000

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FERGUSON	CORA	V 2489 COLORADO TRL SW ATLANTA	GA 30331-0000
FERGUSON	VICKI	1196 S HOYT STREET LAKEWOOD	CO 80226-0000
FIELDS	DONALD	30 ALLEN DR WAYNE	NJ 07470-0000
FINEGAN	ALICE	D 103 S NARBERTH AVE APT NARBERTH	PA 19072-0000
FIGORELLA	FORNARI	VIA STEFANO FRANCINI LUGANO SWITZERLAND	FA 00000-0000
FLAIM	GRAYSON	1125 WATERFORD GREEN POINTE MARIETTA	GA 30068-0000
FLAIM	STEPHEN	1125 WATERFORD GREEN POINTE MARIETTA	GA 30068-0000
FLEMING	VON	R 308 RUSSELL PONTIAC	MI 48058-0000
FLORES	HUGO	A PO BOX 2602 WEST NEW YORK	NJ 07093-0000
FLORES	JOSE	PO BOX 566 CAROLINA 00628 PUERTO RICO	FA 00000-0000
FLORES	RALPH	A ROC 40098 TXG PO BOX 5 856 TUNGHAI TAIWAN	FA 00000-0000
FLORIDA STATE OF			FL 00000-0000
FONTANEZ	RUDY	C CO 1 75TH RGR BN UNTER AAP	GA 31409-0000
FORDHAM	REX	D 459 HOLLY DRIVE S E ATLANTA	GA 30354-0000
FORGIE	DAVID	S 24 OVERLOOK MONROE	CT 06468-0000
FORTUNE	G	C 34746 BUNKER HILL DR FARMINGTON	MI 48331-3231

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FUNDERBURK	BERNARD	110 MAYNARD ST CHENAW	SC	29520-0000
GABRIEL	ROSS	27 OAKCREST CT BELAIRE	MD	21014-0000
GABRIEL	TRACEY	27 OAKCREST CT BELAIRE	MD	21014-0000
GAITAN	RICKY	G PO BOX 805 KYLE	TX	78640-0000
GALOS	ELEFTHERIOS	EILOU 86 10232 ATHENS GREECE	FA	00000-0000
GALOS	MARIA	ELOU 86 10232 ATHENS GREECE	FA	00000-0000
GAMAL OMRAN CO		PO BOX 2213 ALEXANDRIA EGYPT	FA	00000-0000
GARAFOLA	CHRISTENE	14 GETTYSBURG DR VOORHEES	NJ	08043-0000
GARBERDING	MIKE	4502 VALARIE ST BELLAIRE	TX	77401-5819
GARCES	SYLVIA	E 339 FRANCES AVE MERCEDS	TX	78570-0000
GARDUNO	DEBRA	M 4524 MILWAUKEE STREET DENVER	CO	80216-0000
GASS	BRUCE	W 10312 BLYTHE DRIVE EL PASCO	TX	79924-0000
GAST	BERT	J 100 N 20TH STREET PHILA	PA	19103-1443
GAY	DONALD	C 3601 DUPOINT ST FLINT	MI	48504-0000
GEERMAN	CASPER	E PO BOX 2730 ST CROIX	VI	00850-0000
GELLER	GEORGE	SUITE 200 30833 NORTHWESTERN HIGHWAY FARMINGTON HILLS	MI	48334-0000

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GENDREAU	DUANE	6801 W OCOTILLO RD 3008 GLENDALE	AZ	85303-0000
GENEROU	KAREN	E 1309 REED ST KALAMAZOO	MI	49001-0000
GEORGE J NAPIER FAMILY TRUST		9665 N 111TH AVE SUN CITY	AZ	85351-4638
GIANNONE	ANTHONY	305 SPRINGMILL AVE CONSHOCKEN	PA	19428-0000
GIBBONS	JAMES	C APT 1050 645 W ORANGE GROVE RD TUCSON	AZ	85704-5656
GIBBS	STEPHEN	A CO 43 ENGR GP FT BENNING	GA	31905-0000
GIBSON	DON	O 2156 SAVAGE NEW ORLEANS	LA	70123-0000
GIFFORD	IRA	T 558 A HARTSOCK LOOP FT BENNING	GA	31905-0000
GILES	ROBERT	A RT 3 BOX 2771 PELL CITY	AL	35208-0000
GILLESPIE	BRADLEY	S D CO 3 15 INF FT STEWART	GA	31314-0000
GILLET	JEANNICHEL	269 COMMERCIAL ST PORTLAND	ME	04101-6400
GILMORE	WESLEY	O C BTRY 1 3 FA FT HOOD	TX	76544-0000
GINGRICH	CHARLOTTE	PO BOX 746 SINTON	TX	78387-0000
GIOVANNI	MORESCHI	VIA STEFANO FRANCIINI LUGANO SWITZERLAND	FA	00000-0000
GLASGOW	JAMES	E 939 S RIVERSIDE DR H 164 CLARKSVILLE	TN	37040-0000
GLASSFORD	VAUGHN	113 STERLING CT ALPHARETTA	GA	30201-0000



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GOGAN	JAMES	P BOX 1000 AMERICAN EMBASSY PSC 69 APO FA 00000-0000	GRANT	VIOLA	M 62 OAKLEY CT COLUMBUS	GA 31906-0000
GOLIYA	KAMAL	3740 CASA DEL SOL LN DALLAS TX 75228-0000	GRAY	RONAD	2327 N 30TH PL PHOENIX	AZ 85008-0000
GONSAVES	CRAIG	J HHC 1 32 ARM FT HOOD TX 76546-0000	GREEN	BARBARA	J KEAAU	HI 96749-9320
GONZALEZ	BENANCIO	3028 STANOLIND BROWNSVILLE TX 78521-0000	GREEN	CLIFFORD	PO BOX 185 STRAHAN VILLE	PA 16258-0000
GONZALEZ	JUAN	GANTAMBIDE 31 MADRID SPAIN FA 00000-0000	GREEN	DAVID	M 2460 W 26TH AVE DENVER	CO 80211-0000
GOOD	CHRISTOPHER	L C CO 43 ENG FT BENNING GA 31905-0000	GREEN	DAVID	T 424 W NEW YORK AVE CANON CITY	CO 81212-0000
GOODEN	GARY	108 PLEASANT HILL RD RANDOLPH NJ 07869-0000	GREEN	JERRY	R PO BOX 134 BILOXI	MS 39533-0000
GOODEN	GARY	W 108 PLEASANT HILL RD RANDOLPH NJ 07869-0000	GREEN	JOHN	S ROUTE 1 BOX 4888 RINGOLD	GA 30736-0000
GOODEN	PAULA	108 PLEASANT HILL RD RANDOLPH NJ 07869-0000	GREEN	KEITH	T 502 STEWART WAY 5 HINESVILLE	GA 31313-0000
GOODEN	PAULA	S 108 PLEASANT HILL RD RANDOLPH NJ 07869-0000	GREEN	KEVIN	A 875 FRANKLIN RD 246 MARIETTA	GA 30067-0000
GOODRICH	CAROLYN	3258 RIDGETOP WAY EDGEWOOD KY 41017-0000	GREEN	KIMM	A PO BOX 92 LOCK HAVEN	PA 17745-0000
GOODRICH	JAY	3258 RIDGETOP WAY EDGEWOOD KY 41017-0000	GREEN	RUTH	A PO BOX 134 BILOXI	MS 39533-0000
GOODRICK	LAWRENCE	H 206 D DELAWARE AVE OAKMONT PA 15139-0000	GREEN	WILLARD	2460 W 26TH AVE DENVER	CO 80211-0000
GRAHAM	THOMAS	MARINE BARRACKS NWS CHARLESTON SC 29408-0000	GREENE	MAUDE	624 MONROE ST ROCKVILLE	MD 20850-0000
GRANNARY	ARTHUR	CANADA FA 00000-0000	GREER	FRANK	E 866 HWY APT 314 FAYETTEVILLE	GA 30214-0000
GRANT	JACQUELINE	A 716 S YORK AVE ROCKHILL SC 29730-0000	GREIF	WILLIAM	G 4610 NE 27TH CT DES MOINES	IA 50317-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

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GRER	ROBERT	S 214 W 21ST STREET CARROLL	IA 51401-0000
GRIFFIN	MARSHALL	T PO BOX 456 DAMARISCOTTA	ME 04543-0000
GRIFFITH	ARTHUR	H C BTRY 1 33RD FA FT SILL	OK 73503-0000
GRIFFITH	RICKY	A 175 HICKMAN DR 6 ATHENS	GA 30601-0000
GROVE	PING	AVE CONSTITUYENTES 900 MEXICO CITY MEXICO	FA 00000-0000
GROVES	CURTIS	AVE CONSTITUYENTES 900 MEXICO CITY MEXICO	FA 00000-0000
GUERARD	JULIE	11 LINCOLN AVE CHATHAM	NJ 07928-0000
GUERARD	KATHERINE	11 LINCOLN AVE CHATHAM	NJ 07928-0000
GUGIE	CHRISTINE	L 224 N PATTERSON ST LANSFORD	PA 18232-0000
GULABOFF	HELEN	510 E 70TH PLACE MERRILLVILLE	IN 46307-0000
GULABOFF	NICK	510 E 70TH PLACE MERRILLVILLE	IN 46307-0000
GUNN	JAMES	E 5146 2 EARLY ST FORT RILEY	KS 66442-0000
GURWITZ	SHARON	B 245 PARK AVE NEW YORK	NY 10167-0000
GUSWILER	CECILIA	129 CANTERBURY LANCASTER	SC 29720-0000
GUSWILER	LUCILE	129 CANTERBURY LANCASTER	SC 29720-0000
GUTHRIE	THOMAS	N B BTRY 4 56 ADA FT BLISS	TX 79916-0000

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GYSIERLENGUT	CHRIS	8703 ERLBENBACH CH	FA 00000-0000
HADJINACOS	COSTAS	PAVLOY MELA 8 THESSALONIKI GREECE	FA 00000-0000
HADLEY	DARRYL	D 2618 N 26TH LAWTON	OK 73505-0000
HAGLER	ERVIN	D BLDG 4910 RM 112 KELLIS AFB	MS 39534-0000
HAIGHT	M	A CMNDR DCA KOREA REG FPO 96301 KOREA	FA 00000-0000
HALL	KENNETH	B BTRY 1 43 ADA FL BLISS	TX 79916-0000
HALVORSON	GARY	L TRAILER COURT LOT 20 TOWN AND COUNTR WAUKON	IA 52172-0000
HAMMER	LEE	123 COURT ST PO BOX 1196 CLARKSDALE	MS 38614-1196
HAMPTON	ESSIE	721 ACEL ST ROYVILLE	LA 71269-0000
HAN	KIKOOK	252 NAE DONG JUNG KU BUCHEN CITY KYUNGKIDO	FA 00000-0000
HANDLEY	LOU	A 865 BELLEVUE ROAD NASHVILLE	TN 37221-2710
HANNIGAN	RON	APT C 2549 BRUSH COURT ST LOUIS	MO 63125-0000
HANSON	BRYAN	C 3376 E KIMBERLY RD 212 DAVENPORT	IA 52807-0000
HARBARGER	SCOTT	A D CO TF 1 112 FT RUCKER	AL 36362-0000
HARPER	STEVEN	L MCSF CO G 1 KINGSBAY	GA 31547-0000
HARPER	WILLIAM	HHC 5TH ID FT POLK	LA 71459-0000

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HAYNES	LINDA	S 2044 BURR BLVD FLINT	MI 48503-0000
HAYNES	TERRENCE	L 565 SUPPLY CO FT HOOD	TX 76544-0000
HAZELETT	R	M 308 APACHE DRIVE STARKVILLE	MS 39759-0000
HAZELWOOD	CLAYTON	L PO BOX 1951 PINETREE	AZ 85935-0000
HEALY	THOMAS	P APT 201 2516 COLONIAL BLVD FORT MEYERS	FL 33907-0000
HEAVON	ANDREW	G 1500 N MAIN ST GREENVILLE	SC 29609-0000
HEISSENBERGER	ERWIN	PO BOX 546 GRAND BEND ONTARIO CANADA	FA 00000-0000
HENDERSON	TED	F 110 N GUAM GLENWOOD	IA 51534-0000
HENNICK	JAMES	J 1705 CEDAR DR MEDFORD	NJ 08055-0000
HERKERT	MARY	F 13 IVY OAK CT GAITHERSBURG	MD 20877-0000
HERMANN	HERMANN	MONTAGU HEIGHTS PO BOX 5483GHTS NASS BAHAMAS	FA 00000-0000
HERMANN	PATRICIA	MONTAGU HEIGHTS PO BOX 5483GHTS NASS BAHAMAS	FA 00000-0000
HERMINE	OLIVER	R 13 RVE PARMENTIER VITRY SEINE FRANCE	FA 00000-0000
HERNADEZ	MICHAEL	A USS TAYLOR CHARLESTON	SC 29408-0000
HERNANDEZ	CECELIO	ALEZ 306 NICHOLAS BRAVO VILLA GONZ TAMPS 0	FA 00000-0000
HERNADEZ	CECILIO	306 NICOLAS BRANO VILLA GANZALES 0	FA 00000-0000

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HARRIS	ALLISON	PO BOX 216 PRINCETON	TX 75407-0000
HARRIS	EVYONNE	T 7606 FOUNTAINBLEAU NEW CARROLLTON	MD 20784-0000
HARRIS	LONNIE	923 STOVAL PL CHESTER	PA 19013-0000
HARRIS	LOUISE	RR 1 BOX 453A OGDEN	AR 71853-0000
HARRIS	MICHAEL	W 374 3RD ST SOUTHFIELD	MI 48076-0000
HARRIS	RAYMOND	APT 137 208 OLD JEFFERSON RD ST MARYS	GA 31558-0000
HARRIS	TYRONE	G 313 LORELEY WHITE MARSH	MD 21162-0000
HARRISON	ADELA	2905 DAWSON AVE WHEATON	MD 20902-0000
HARRISON	DIANNE	M 2905 DAWSON AVE WHEATON	MD 20902-0000
HARRISON	SAMIE	1111 RTE 2 BOX 583 GOULD	AR 71643-0000
HARTE	JENNIFER	726 AIRWAYS CIR NASHVILLE	TN 37214-0000
HARTE	JUDY	726 AIRWAYS CIR NASHVILLE	TN 37214-0000
HARTSFIELD	WILLIAM	A 173 COLUMBIA AVENUE IRVINGTON	NJ 07111-0000
HATSUMURA	TOMONOBU	SARAYAMA NINAM KU FUKUOKA CITY	FA 00000-0000
HAYES	MARY	7070 SKILLMAN APT1075 DALLAS	TX 75231-0000
HAYES	RICHARD	L HOW BTRY 3 3 ACR FT BLISS	TX 79916-0000



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HERRING	CLIFFORD	C 4609 CRYSTAL ST HOUSTON	TX 77092-0000
HESTER	NORMA	216 PARKSIDE CT SAGINAW	MI 48601-0000
HEWLETT	PACKARD CANADA LTD	PO BOX 5500 REXDALE ONTARIO CANADA	FA 00000-0000
HEYWARD	LEROY	STAR RTE 6 BOX 236C BEAUFORT	SC 29902-0000
HICKMAN	KEITH	3605 GALLATIN STREET HAYATTSVILLE	MD 20782-0000
HICKS	BOBBY	W 123 W CENTRAL AVE BELLE	WV 25015-1519
HICKS	EUGLYN	L 2122 WILLIE DR ANNAPOLIS	MD 21401-0000
HIGUCHI	MASAO	4 35 TENNOCHO HEKINANSHI AICHIKEN 44	FA 00000-0000
HILBERT	HEIDI	L 1752 N E 52ND ST FT LAUDERDALE	FL 33334-0000
HILL	CARMEN	S 174 CARTERET AVE JERSEY CITY	NJ 07305-0000
HILL	CHARLEY	TUSLOG DET 16 AFCS APO NEW YORK 9289 APO NY 92890000	FA 00000-0000
HILL	DEBORAH	APT D 206 6171 BERT KOUNS IND LOOP SHREVEPORT	LA 71129-0000
HILL	ELEASE	TUSLOG DET 16 AFCS APO NEW YORK 9289 APO NY 92890000	FA 00000-0000
HILL	LOUISE	A 117 MURDOCK STREET FORDS	NJ 08863-0000
HILL	MICHAEL	A 1814 W MAIN DUNCAN	OK 73533-0000
HILL	TROY	6833 WATERGROVE DRIVE MEMPHIS	TN 38119-0000

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HILLS	KARLA	116 E ANDERSON STREET SAVANNAH	GA 31401-0000
HILTON	KEITH	E 3300 C COVINGTON DR DECATUR	GA 30032-0000
HIMEBAUGH	SHAUN	M 911 COLLEGE ST W FAYETTEVILLE	TN 37334-0000
HINES	JOHNNIE	1772 ARKOSE DR SE ATLANTA	GA 30316-0000
HINTON	SCOTT	HHC 17TH ENGR BN FT HOOD	TX 76544-0000
HIPOLITO	ERLINDA	A PAMPANGA V TIOMICO ST SAN FERNANDO PHILIPPINES	FA 00000-0000
HIYAMA	HIDEO	TOKYO 5 23 12 KUGAHARA OOTA KU JAPAN 146	FA 00000-0000
HODGES	JESSE	W 1193 BRENTWOOD MACON	GA 31204-0000
HOFFMAN	GEORGE	H C 66 BOX 1045 HENDERSON	AR 72544-9711
HOFTMAN	HEATHER	A W DES MOINES	IA 00000-0000
HOGSTON	DWANE	K ROSEVILLE	MI 48066-0000
HOLBROOKS	JAMES	E D CO 3 6 INF FT POLK	LA 71459-0000
HOLLAND	JAMES	M RT 1 BOX 392 YAZOO CITY	MS 39194-0000
HOLLAND	SEAN	COMBAT WING ONE DET FPO 96464	FA 00000-0000
HOLLINSHED	HAL	B 140 ROSEVILLE AVE NEWARK	NJ 07107-0000
HOLMAN	GARY	R GENERAL DELIVERY YOLYN	WV 25654-0000

DEPARTMENT OF FINANCIAL INSTITUTIONS  
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HOLSTEIN	RENEE	122 COURT BOX 1310 WESTON	WV 26452-0000	HUNT	DOYLE	D 2012 W 2ND ST 11B LONG BEACH	MS 39560-0000
HOLT	CHARLES	351 W JUNIPER DR MUSTANG	OK 73064-0000	HUNTER COLIANNI COLE & TU		46 KING STREET VI 00820	FA 00000-0000
HOLVINO	EVANGELINA	30 SOI 30 ALADIN PHOHLOYOTIN RD KANGKOK THAILAND	FA 00000-0000	HUTEIK	ANIELA	BIALYSTOK 16 150 SUCHOWOLA WO POLAND	FA 00000-0000
HONEY	ANGELITTA	L 5970 HUXLEY UNION LAKE	MI 48387-0000	HYDE	RICK	APT 801 3710 MERIDIAN INDIANAPOLIS	IN 46208-0000
HONEYAM	MICHAEL	D PO BOX 477 CORINTH	MS 38834-0000	IGARASHI	TOMOKO	CHIKAWA SHI 3 4 8 HIGASHISUGANO FA 00000-0000	FA 00000-0000
HORNEY	MARK	W 5422 JENMATT DR WILMINGTON	DE 19808-0000	INDIANAPOLIS AIRPORT AUTHORITY			IL 00000-0000
HORWITZ	DIANNE	PO BOX 11122 HILO	HI 96721-0000	INDRESANO	JOSEPH	BOX 1018 APO NY NY MADRID SPAIN	FA 00000-0000
HORWITZ	JONATHAN	P PO BOX 11122 HILO	HI 96721-0000	INDRESANO	RITA	BOX 1018 APO NY NY MADRID SPAIN	FA 00000-0000
HOSHINO	YOSHITARU	NAGARO KER 38902 JAPAN	FA 00000-0000	INGRAM	CURTIS	L 5846 FOREST RD COLUMBUS	GA 31907-0000
HOWELL	EUGENE	P 421 S BELTLINE 76 DALLAS	TX 75253-0000	INGRAM	LINDA	D 5846 FOREST RD COLUMBUS	GA 31907-0000
HUANG	YOAHUAN	4 14 SAKAJIRI KAMIKAZAN YAMASHINA KU KYOTO JAPAN	FA 00000-0000	INTERNATION BOILERMAKERS ROY		2701 PECK ST HUNTSVILLE	AL 35805-0000
HUFF	LYNETTE	D 1906 CHEATHAM SPRINGS DR MARIETTA	GA 30064-0000	INVESTMENTS MCGOWAN		PO BOX 780 OLD GREENWICH	CT 06870-0000
HUFF	TERRY	R SVC BTV 4 1 FA FT POLK	LA 71459-0000	IOLONSKI	MARIE	UL NOWOGRODZKA 51 M 3 00 695 WARSAW POLAND	FA 00000-0000
HUFFMAN	VIVIAN	BOX 517 COLLINSVILLE	TX 76233-0000	IOWA TREASURER STATE OF			IA 00000-0000
HUGHES	LEE	O 15230 D KANE PL FT POLK	LA 71459-0000	IPPOLITO	SUZANNE	M 975 S W 185TH AVE ALOHA	OR 97006-0000
HUNG	JOSEPH	L 1800 MCGILL COLLEGE AVE MONTREAL H3A CANADA	FA 00000-0000	IRBY	GRACE	UNIT 14 1011 PIERCE ST LAKEWOOD	CO 80214-0000

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ISAIAH	CONNELL	RT 2 BOX 222 FLORENCE	SC 29417-0000
ISHII	TOMIKO	ICHIKAWA SHI 3 21 9 ICHIKAWA MACHI CHIBA 296 JAPAN	FA 00000-0000
ISHII	YOSHIAKI	ICHIKAWA SHI 3 21 9 ICHIKAWA MACHI CHIBA 296 JAPAN	FA 00000-0000
ISHILL	HIROAKI	11220626 MATSUNOKI SAGINAMI	FA 00000-0000
IVEY	ROBERT	E B BTRY 1 17TH FA FT SILL	OK 73503-0000
JACKSON	ANTOINE	2524 MITCHELL DRIVE WICHITA	KS 67210-0000
JACKSON	CALVIN	2704 PIMPERNELL BATON ROUGE	LA 70805-0000
JACKSON	CARLTON	R HHB 2 1 ADA FT BLISS	TX 79916-0000
JACKSON	GAYLE	A A CO 5TH SUPPORT FT POLK	LA 71459-0000
JACKSON	GAYLE	R 3264 GLENVIEW CR SW ATLANTA	GA 30331-2406
JACKSON	GREGORY	R MATTC H&S A 90 NAS MSS MILINGTON	TN 38054-0000
JACKSON	JENNIFER	302 INDIANA WICHITA	KS 67214-0000
JACKSON	KIM	W A CO 2 69 AR FT BENNING	GA 31905-0000
JACKSON	KINGSLEY	W 1100 SHERBROOKE ST W MONTREAL 110 QU CANADA	FA 00000-0000
JACKSON	LINDA	M 3709 ELMHURST AVE BRISTOL	PA 19007-2627
JANUSZ	BOGDAN	UL SIEWNA 21A 98 31 231 KRAKOW POLAND	FA 00000-0000

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JANUSZ	BRONISLAW	UL SIEWNA 21A 98 31 231 KRAKOW POLAND	FA 00000-0000
JARES	GEORGE	F 5015 HWY 70 WEST EAGLE RIVER	WI 00000-0000
JARVIS	COLLIN	D CHRISTIAN ST ST CROIX	VI 00820-0000
JENKINS	KEON	157 EDGEWOOD AVE NEW HAVEN	CO 00000-0000
JENNINGS	JONAY	5466 LAGUNA ABILENE	TX 79605-0000
JENSEN	MICHAEL	D 6547 N ACADEMY 417 COLORADO SPRINGS	CO 80918-8342
JERDING	GERHARD	D RT 3 BOX 455 DYERSBURG	TN 38024-0000
JERMIHOV	PETER	PO BOX 8446 SADDLE BROOK	NJ 07663-0000
JOB SERVICE COFFEE		1428 N WASHINGTON BLVD CAMANCHE	IA 52730-0000
JOHN CRANE CO		682 PARKWAY BROOMALL	PA 19008-0000
JOHN G STEVENSON JT TRUST		APT A 6 BURKSDALE DR ATLANTA	GA 30309-3302
JOHNSON	ANITA	12 CLEMSON CHARLESTON	SC 29403-0000
JOHNSON	BETTY	J 23 RICHARDSON DALEVILLE	AL 36322-0000
JOHNSON	GENEVIEVE	325 CARTERSVILLE HOUSTON	TX 77029-0000
JOHNSON	HELEN	H PO BOX 4441 SCOTTSDALE	AZ 85258-0000
JOHNSON	HENRY	E PO BOX 4441	



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JORDAN	WARD	ST LOUIS	MO	63122-0000
JUNEMAN	MARY	5151 1/2 SW 76TH AVE DAVIE	FL	33328-0000
KACHADORIAN	JUDY	M 1454 LENDEN LINCOLN PARK	MI	48146-0000
KAHL	JASON	16507 ELLIS AVE BATON	CO	00000-0000
KAI	YOICHIRO	OITA KEN KOHONOE MACHI KUSU FA	00000-0000	
KAISER	BRACHA	PO B 514 ARAD 08075 ISRAEL	FA	00000-0000
KANAGUAWA	TOSHIYA	370 1 KAMAKURA Ueki KAMAKURA KANAGAWA JAPAN	FA	00000-0000
KANE	CAROLYN	A 101 BELLEVEDERE ST MAURICE	LA	70555-5121
KANELLIS	CHRISTOS	4 THEMISTOKLEOUS ST 4TH FL ATHENS GREECE	FA	00000-0000
KANELLIS	GARYFALLIA	4 THEMISTOKLEOUS ST 4TH FL ATHENS GREECE	FA	00000-0000
KAPPEL	DEBORAH	L KEAAU	HI	96749-9320
KARTRIDGE PAK		807 W KIMBERLY RD DAVENPORT	IA	52805-0000
KAUFFMAN	E	621 PLACITA NUEVA GREEN VALLEY	AZ	85614-0000
KAVELIN	JOHN	H RRI MCGILL ROAD GANGES	FA	00000-0000
KAWAZOE	JUNKO	1 4 27 HAGIYAMA CHO HIGASHIMURAYAMA TOKYO 189 JAPAN	FA	00000-0000
KAWAZOE	KEN	1 4 27 HAGIYAMA CHO HIGASHIMURAYAMA		

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JOHNSON	JANICE	SCOTTS DALE	AZ	85258-0000
JOHNSON	KENNETH	966 B DIXIE RD FT BENNING	GA	31905-0000
JOHNSON	ROBERT	D 96 MAIN ST TORONTO CANADA	FA	00000-0000
JOHNSON	RONALD	C B CO 13 SUPCOM FT HOOD	TX	76545-0000
JOHNSON	SHAWN	C 17 D QUEENTREE CT BALTIMORE	MD	21207-0000
JOHNSON	THOMAS	664 ORD CO FT HOOD	TX	76544-0000
JOHNSON	WILLIAM	76 SHARON RD WATERBURY	CT	06705-0000
JONES	CARLISLE	LOT 17 HILLVIEW ENTERPRISE	AL	36331-0000
JONES	CATHERINE	3069 LAWRENCEVILLE RD LAWRENCEVILLE	NJ	08648-1104
JONES	CHERYL	C 8000 E 12TH AVE DENVER	CO	80220-0000
JONES	CURTIS	A 1100 WILLOW SPRINGS RD 710 KILLEEN	TX	76541-0000
JONES	JILLIE	W 11408 EDNA ST HOUSTON	TX	77087-0000
JONES	KENNETH	L 406 MADELINE RAYVILLE	LA	71269-0000
JONES	NEDRA	46 CYPRESS MARSH DR HILTON HEAD	SC	29926-0000
JONES	ROBERT	E APT 3 4945 OZARK ST CHARLESTON	SC	29418-5956
JORDAN	BARBARA	NHT SUPT 3RD ACR FT BLISS	TX	79916-0000
		J 1712 N LEFFINGWELL		

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KEEGAN	MICHAEL	TOKYO 189 JAPAN	FA	00000-0000
KEIPER	ROBERT	C 75 RIDGE ST MILFORD	CT	00000-0000
KEISELHORST	DAVID J	101 ELMS RD 5 KILLEEN	TX	76545-0000
KELLY	LYNWOOD	10601 SABA ROAD 168 HOUSTON	TX	77089-0000
KENT	BETHANY	V 1929 VANESSA LEE DR 1082 EL PASO	TX	79906-0000
KENT	JAMES	A PO BOX 715 RUSH SPRINGS	OK	73082-0715
KERN	RICHARD	T PO BOX 715 RUSH SPRINGS	OK	73082-0715
KERR	LINDA	M 8403 W 98TH ST OVERLAND PARK	KS	66212-3363
KHAN	JOHN	5670 KINGSFORD DRIVE ATLANTA	GA	30342-0000
KIERULF	PETER	M 1607 GLYNN OAKS DR ARLINGTON	TX	76010-5914
KING	KIMBERLY	GISKEHAGEN 18 0376 OSLO 3 NORWAY SWEDEN	FA	00000-0000
KING	KIMBERLY	2 W KEIM DR PHOENIX	AZ	85013-0000
KIRKER	WILLIAM	D 2 W KEIM DR PHOENIX	AZ	85013-0000
KISHI	TAKAYUKI	9656 BABCOCK BLVD ALLISON PARK	PA	15101-0000
KLIMALA	FLORENCE	404 IMAFUKO CHO ASHIKAGA TOCHIGI JAPAN	FA	00000-0000
KLIMALA	GERALD	1702 66TH ST FENNIVILLE	MI	49408-0000
		1702 66TH ST		

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KLINFELTER	TAMMY	FENNIVILLE	MI	49408-0000
KLITZKE	ERIN	L 8305 TERRY LN HERMITAGE	TN	37076-0000
KLITZKE	KAREN	M 2923 CONTINENTAL TROY	MI	48083-5756
KLITZKE	KENT	L 2923 CONTINENTAL TROY	MI	48083-5756
KNESS		HIGHWAY 5 SOUTH PO BOX 70 ALBIA	IA	52531-0000
KNIGHTON	CARON	L UNIT 87 706 F STREET CHULA VISTA	CA	91910-0000
KOBER	MARC	F 601 S PEWITT BAY CITY	MI	48706-0000
KOHL	DAVID	C 49TH O RD FORT RILEY	KS	66442-0000
KOLIGLIATI	ATHANASIOS	FIDONOS 6 ARGOS GREECE	FA	00000-0000
KOLIGLIATI	STAMATIKI	FIDONOS 6 ARGOS GREECE	FA	00000-0000
KONGA	PANAGIOTA	ELPIDOS 4 ATHENS GREECE	FA	00000-0000
KOO	TENCHANG	APT 513 262 KWANG FU 5 RD TAIPAE	FA	00000-0000
KOSMIDIS	J	GRI7671 KALLITHEA ATHENS GREECE	FA	00000-0000
KOSNIK	STEFAN	UL NOWOGRODZKA 51 M 3 00 695 WARSAWA POLAND	FA	00000-0000
KOTCHABHARDI	NAIPHINICH	NAHORNPATHAM 73170 THAILAND	FA	00000-0000

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KOTEV	MIRANDA	824 HOLLY HILL RD EDMOND	OK 73034-0000	LAL	LIAQAT	PO BOX 8789 TRIPOLI LIBYA	FA 00000-0000
KOTUBEY	MICHAEL	157 FLINTRIDGE MONROE	CT 06468-0000	LAMBERT	MARYLOU	9287 E CAMINO DELSANTO SCOTTSDALE	AZ 85260-0000
KOTUBEY	SUSAN	157 FLINTRIDGE MONROE	CT 06468-0000	LANDEROS	JESUS	A CO NAVAL WAPSON STATION CHARLESTON	SC 29408-0000
KOTZAILIAS	DIMITRI	PARTHIOU VARDAKA 12 KATERINI SWEDEN	FA 00000-0000	LANDWEHR	LISA	L 4301 RIDGEVIEW CORPOUS CHRIST	TX 78413-0000
KRACALIK	ROBERTA	E RD 2 BOX 8A LOYSVILLE	PA 17047-0000	LANIER	MICHAEL	C C CO 3RD ENG FT STEWART	GA 31314-0000
KROEGER	PAUL	L RR 1 BOX 94AA GRANDVIEW	TX 76050-0000	LAREDO NATIONAL BANK			
KRUSE	WAYNE	H 7944 E CLOUD RD TUCSON	AZ 85715-0000	LARGUTH	LEON	B 6733 LYREWOOD CXST OKLAHOMA CITY	OK 73132-0000
KUCZYC	MONICA	E 9 CLUNY ROAD FAVERSHAM ENGLAND	FA 00000-0000	LASSERRE	J	15 RUE MIRABEAU 75016 PARIS FRANCE	FA 00000-0000
KUCZYC	RICHARD	W 9 CLUNY ROAD FAVERSHAM ENGLAND	FA 00000-0000	LAUNIUS	TERRY	L A CO 115TH BN FT HOOD	TX 76544-0000
KUMCHY	MICHAEL	J WINDSOR ONTARIO CANADA N9A 6J4 FA 00000-0000		LAURIE	J	8 CYGNET HOUSE 188 KINGS ROAD LONDON SW3 ENGLAND	FA 00000-0000
KUMCHY	MICHAEL	J 185 OUELETTE AVE WINDSOR ONTARIO CAN FA 00000-0000		LAVIGNE	LEROY	2273 NEWCASTLE CIRCLE NORTH CROSS	GA 30071-0000
KUNDI	RESHAM	S 32 MIDWAY RD EVINGTON LEICESTER ENGLAND LE5	FA 00000-0000	LAWRENCE	CONSTANCE	M 1219 WALNUT ST PITTSBURG	PA 15221-0000
KURITA	HIROSHI	OMIYA SHI 1 183 21 DOTE CHO SAITAMA 330 JAPAN	FA 00000-0000	LEBARRE	MYLES	5704 TREGO THE COLONY	TX 75056-0000
KUSHIN	FRED	M 2077 CENTER AVENUE FORT LEE	NJ 07024-0000	LEBOUF	MICHAEL	J B BTRY 1 82 FA ICD FT HOOD	TX 76546-0000
LADD	WALTER	R 3035 3 RODNEY AVE FT RILEY	KS 66442-0000	LEE	NYUTYUN	SABAH KARAMUNISING 88300 KOTA KINABAL MALAYSIA	FA 00000-0000
LAHOOD & ASSOCIATES INC		PO BOX 12170 OVERLAND PARK	KS 66212-0000	LEE	SHERMAN	APT C 2549 BRUSH COURT ST LOUIS	MO 63125-0000

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LEOS	ROBERT	1743 VESTAI 4 SAN ANTONIO	TX	78224-0000
LESNIAK	THOMAS	D 8125 ROYAL ST GEORGES LN DULUTH	GA	30155-1650
LESTER	TERRENCE	P E CO 4 6TH INF FT POLK	LA	71459-0000
LESZCZYNSKI	JOHN	11802 PRESTWICK ROAD POTOMAC	MD	20854-3630
LESZCZYNSKI	KARIN	11802 PRESTWICK ROAD POTOMAC	MD	20854-3630
LETMAN	CARL	2275 THOMPSON DR SEDRO WOOLLEY	WA	98284-0000
LEWIS	ROGER	S 202 ST JAMES 6A GOOSE CREEK	SC	29445-0000
LEYVA	TRANQUILINO	D 598TH MAINT CO FT BENNING	GA	31905-0000
LEZAMA	VINCENT	HHB 75TH FA BDE FT SILL	OK	73503-0000
LIAQUAT	MARGARET	PO BOX 8789 TRIPOLI LIBYA	FA	00000-0000
LIAW	YUH	APT 11 2 HANGCHOW S RD TAIWAN	FA	00000-0000
LIAW	YUH	SEC 1 LN 21 APT 11 2 TAIWAN	FA	00000-0000
LILLY	TRACY	L 9 SAVEN PARK WEST HAVEN	CT	06516-0000
LIPSCOMB	LINDA	K 17850 SUNMEADOW DR 2907 DALLAS	TX	75252-0000
LITTLE	KENNETH	W RT 4 BOX 442 ATHENS	AL	35611-0000
LOFFMAN	INEZ	710 DENISON DR NORMAN	OK	73069-0000

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LOFTON	RODERICK	O LOT 3 215 PEACH ST CLARKSVILLE	TN	37042-0000
LOGAN	DONALD	R 3312 SHEPARD AVE 70 EL PASO	TX	79904-0000
LOMAX	BRYAN	E B CO 2 159TH AVN REGT HUNTER AAF	GA	31409-0000
LOOSE	ROBIN	R 11700 BISSONNET HOUSTON	TX	77099-0000
LOS ANGELES COUNTY				00000-0000
LOZADA	JUAN	D CO 1 29TH INF REGT FT BENNING	GA	31905-0000
LUCAS	HORACE	A 5401 W DAILEY GLENDALE	AZ	85806-0000
LUCAS COUNTY TREASURER				00000-0000
LUNSFORD	JOYCE	T BERRIEN SPRINGS	MI	49103-0000
LYONS	PETER	W TAREN POINT SYDNEY NEW S AUSTRALIA	FA	00000-0000
MACHURES	THOMAS	D ATHENS 3 TJORTZ STR GREECE	FA	00000-0000
MAGOULIOTIS	CONSTANTINOS	ASTROS KYNOURIAS GREECE	FA	00000-0000
MAGOULIOTIS	EKATERINI	ASTROS KYNOURIAS GREECE	FA	00000-0000
MAHONE	MICHAEL	P A CO 3 17 INF BN APO AE09237	FA	00000-0000
MALLACH	CHAD	410 MP CO FT HOOD	TX	76544-0000
MALONE	CONNIE	L 2125 SW 82ND ST OKLAHOMA CITY	OK	73139-0000

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MALOSH	RONALD	A 5488 CLEVELAND AVE STENSVILLE	MI 49127-0000
MANER	KENNY	R 7556 PLANTATION RD N CHARLESTON	SC 29418-0000
MANEY	KENNEHT	D 4584 NW SEWELL RD HILLSBORO	OR 97124-0000
MANGAN	DAWN	2225 ASPEN DRIVE MECHANICSBURG	PA 17055-0000
MANOS	SUSAN	3914 CROW VALLEY MISSOURI CITY	TX 77459-4205
MANSILLA	ERNESTO	5824 N 23RD LN MCALLIEN	TX 78504-0000
MANSOUR	ANTOINE	APT 4 324 SAMSON LAVAL QUEBEC HTX330 CANADA	FA 00000-0000
MARGARETTEN & CO		1 RONSON ROAD ISELIN	NJ 08830-0000
MARGINEDES	CEDRIC	800 PLYMOUTH ROAD GRAND RAPIDS	MI 49506-0000
MARIA	FONT	J 7712 PARK VISTA HOUSTON	TX 77042-0000
MARKS	LAWRENCE	A 498TH MED CO FT BENNING	GA 31905-0000
MARODAS	DIONYSIOS	AGIOS NIKOLAOS ZAKYNTHOU GREECE	FA 00000-0000
MARODAS	PETER	AGIOS NIKOLAOS ZAKYNTHOU GREECE	FA 00000-0000
MARSHALL	JEFFREY	E 4800 ORTEA FARMS 1506 JACKSONVILLE	FL 32210-0000
MARTH	STIEGFRIED	A 1 BERLIN GERMANY	FA 00000-0000
MARTIN	GEORGE	BR15 BROMLEY KENT ENGLAND	FA 00000-0000

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MARTIN	PATRICIA	BR15 BROMLEY KENT ENGLAND	FA	00000-0000
MARTIN	RONALD	559 S COURT ST MONTGOMERY	AL	36104-0000
MARX	WOLFGANG	GRUNER STR 92 4000 DUESSELDORF 1 W GERMANY	FA	00000-0000
MASON	LOREEN	M 9114 PONTIAC LK RD UNION LAKE	MI	48386-0000
MASSICOTTE	MICHEL	H2 MONTREAL QUEBEC 2120 CANADA	FA	00000-0000
MASSIE	TRACY	D RT 1 BOX 182 INDEPENDENCE	WV	26374-0000
MATERAL	S	A BUENOS ARIES SARMIENTO 1977 81 1044 ARGENTINA	FA	00000-0000
MATHEWS	TONYA	B 5329 CORNWALL ST PITTSBURGH	PA	15224-0000
MATHIS	ANTHONY	M 622 BISHOP ROAD HWY LAWTON	OK	73501-0000
MATHIS	ROBERT	LOT 50A LAKESIDE MHP HINESVILLE	GA	31313-0000
MATLOCK	EDWARD	6015 CALUMET AVENUE HAMMOND	IN	46320-0000
MAUSER	PATRICK	2034 S DR JACKSONVILLE	SC	00000-0000
MAYS	MARVIN	L 2018 W 18TH DEWITT	AR	72042-0000
MAYS	WILLIE	42 WEAVER ST CARTERSVILLE	GA	30120-0000
MCCABE	DEBORAH	J WOOLFINGTON NW CSTL	FA	00000-0000
MCCABE	DONALD	A WOOLFINGTON NW CSTL	FA	00000-0000

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MCCANE	KAREN	R 4213 ALPINE DR 9 COLUMBUS	GA	31903-0000
MCCARTHY	COLLEEN	408 S ORANGE EDWARDS KINGSLAND	GA	31548-0000
MCCLEAN	KURT	HHB 5 1 ST FA FT POLK	LA	71459-0000
MCCORNACK	RICHARD	H 1104 NORTH MARSHALL STREET MILWAUKEE	WI	53202-0000
MCCULLOUGH	CHARLES	D 1207 CLAIRMONT DETROIT	MI	48202-0000
MCDANIELS	BROXTON	E 1731 BOISE AVE SW BIRMINGHAM	AL	35211-0000
MCFARLANE	RIGOBE	APT 634 815 THAYER AVE SILVER SPRINGS	MD	20910-0000
MC GHEE	THOMAS	38 THURLEIGH ROAD LONDON UNITED KINGDOM	FA	00000-0000
MCGINN	MARY	APO NEW YORK APO 9407000	FA	00000-0000
MCGOWAN	WILLIAM	PO BOX 780 OLD GREENWICH	CT	06780-0000
MCGUFF	JOHNNY	HHD 67 MAINTENANCE FT BENNING	GA	31905-0000
MCKNIGHT	JAMES	A 213 MILL ST HARTFORD	KS	66854-9418
MCMAHON	TERISITA	R PSC BOX 603 APO 09063	FA	00000-0000
MC MONTGLE	ERMA	I S R 69 BOX 2352 IRONTON	MO	63650-0000
MCNEILL	CHRISTINE	3 ARTIST VIEW PARK CALGARY CANADA	FA	00000-0000
MCNEILL	JAMES	3 ARTIST VIEW PARK CALGARY CANADA	FA	00000-0000

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MCTAGUE	CHRISTINE	L 7401 ALMA DRIVE NO2322 PLANO	TX	75025-0000
MEDINA	CONCEPCION	R 1310 S ATHOL PHARR	TX	78577-6217
MEDINA	EMILIA	902 CENTRE 20 BUCKEYE	AZ	85326-0000
MEDINA	OTTONIEL	104 SLOAN ST DE RIO	TX	78840-0000
MEIER	JERRY	E 302 SADDLE HORN DR HOUSTON	TX	77060-0000
MELENDEZ	IRIS	APT 1 3701 FRED WILSON EL PASO	TX	79904-0000
MENDEZ	ROBERTO	CALLE 22 DE JUNIO 136 MOCA 006762011	FA	00000-0000
MENDINGHALL	MARK	D 428 W COLLEGE ST WINNSBORO	SC	29180-0000
MESSER	JOAN	G PO BOX 89 WATKINSVILLE	GA	00000-0000
MICHAEL	TIMOTHY	A 202 S S CLARKSVILLE	TN	37042-0000
MICHIGAN TREASURY				00000-0000
MICK	ANDREW	H 1218 26TH E AVE TUSCALOOSA	AL	36349-0000
MIKENBERG	GITTEL	WEIZMANN 30 1 REHOVOT 76282 ISREAL	FA	00000-0000
MILIAN	EDWIN	JU 11 2 CALLE B 33 80 ZONE 11 GUATEMALA	FA	00000-0000
MILIAN	ERNESTO	JU 11 2 CALLE B 33 80 ZONE 11 GUATEMALA	FA	00000-0000
MILIN	LJUBOMIR	CARACAS APARTADO BOX 6543 VENEZUELA	FA	00000-0000



## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

MOLLER	W	C APARTADO POSTAL 2504 CARCAS VENEZUELA	FA 00000-0000
MONTANA DEPT OF FISH WILDLIFE AND PAR			
MONTOLONGO	M	9565 VICKSBURG DRIVE EL PASO	TX 79924-0000
MONTGOMERY	GLORIA	9275 GOLDEN WOODS DR INDIANAPOLIS	IN 46268-0000
MONTGOMERY	JOHN	C BELAIR APTS E7 CUMBERLAND	MD 21502-0000
MONTGOMERY	MICHAEL	J 9275 GOLDEN WOODS DR INDIANAPOLIS	IN 46268-0000
MOORE	ALLAN	HHC 299TH ENG FT SILL	OK 73503-0000
MORISKY	BILL	C 1533 W WINDROSE DR PHOENIX	AZ 85029-0000
MORRIS	SHAYNE	L PO BOX 592 WILBERTON	OK 74578-0000
MORRIS	THEODORE	R KWANGIDO OUIJANBO SEOUL KOREA	FA 00000-0000
MORRIS	WILLIAM	J PSC 1 BOX 311 LACKLAND AFB	TX 78236-0000
MOSES	BRENDA	192 ORMOND ST ATLANTA	GA 30315-0000
MOYLAN	ARTHUR	J APT 5205 2255 W ORANGE GROVE RD TUCSON	AZ 85741-0000
MOYLAN	SANDRA	L APT 5205 2255 W ORANGE GROVE RD TUCSON	AZ 85741-0000
MUELLER	PETER	R PO BOX 291 CONTOCOCK	NH 03229-0000
MULLENIX	SHAUN	W 1660 OLD TROLLEY RD SUMMERVILLE	SC 29485-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

MILLER	AARON	L 7385 W MEXICO DR LAKEWOOD	CO 80226-0000
MILLER	ALLIS	J 1434 GARDENIA HOUSTON	TX 77018-5122
MILLER	DAVID	RT 3 NOX 142 MONTICELLO	GA 31064-0000
MILLER	DIANE	L 18 RIVERDALE RD BOSTON	MS 02126-0000
MILLER	GERTRUDE	C 18 RIVERDALE RD BOSTON	MS 02126-0000
MILLER	HARRY	W 122 COURT BOX 1310 WESTON	WV 26452-0000
MISSISSIPPI STATE TAX			
MISSOURI REVENUE DIRECTOR			
MISSOURI WATER POLLUTION			
MITCHELL	WILLIAM	L TWO MAIN ST	FA 00000-0000
MOFATT	BRIAN	J 23 BANKVIEW PL OTTAWA ONT CANADA	FA 00000-0000
MOFATT	DONALD	E 23 BANKVIEW PL OTTAWA ONT CANADA	FA 00000-0000
MOFATT	RAYA	R 23 BANKVIEW PL OTTAWA ONT CANADA	FA 00000-0000
MOHAMMAD	SHALABI	CALLE REAL DE CURAYACA N94 VENEZUELA	FA 00000-0000
MOHAMMAD	ZUHEIR	CALLE REAL DE CURAYACA N94 VENEZUELA	FA 00000-0000
MOLINIA	TEDDY	1107 S JOHNSON BIG SPRING	TX 79720-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

MUNDEN	IGNACIO	MARIA DE MOLINA 22 MADRID SPAIN	FA 00000-0000
MURANO	PATRICIA	J 1540 N BRADLEY AVE OKLAHOMA CITY	OK 73127-0000
MURCHEN	PETER	SHANCARNAN MOYNALTY KELLS CO WEATH IRELAND	FA 00000-0000
MUSSYAL	ROBERT	L PO BOX 252 WAYNE	OK 73095-0000
MYERS	ROBERT	H 7TH ST FAIRFAX	SC 29827-0000
MYERS	THEDA	M 4737 LARCADE DR CORPUS CHRISTI	TX 78415-0000
NAKAHIMA	KENTA	10 5 29 NISHIBORI SAITAMA KEN 336 JA FA 00000-0000	
NAKAJIMA	ISAMU	10 5 29 NISHIBORI SAITAMA KEN 336 JA FA 00000-0000	
NAKAJIMA	MICHIKO	10 5 29 NISHIBORI SAITAMA KEN 336 JA FA 00000-0000	
NAKAMURA	MASATO	724 17 MINORIDAI MATSUDO SHICHIBA JAPAN	FA 00000-0000
NAPIER	GEORGE	J 9665 N 111TH AVE SUN CITY	AZ 85351-4638
NAPIER	TIMOTHY	D C BTRY 21ST FA FT POLK	LA 71459-0000
NASSAR	C	LONDON W1 9PA ENGLAND UNITED KINGDOM	FA 00000-0000
NATIONAL MORTGAGE CO		4041 KNIGHT ARNOLD MEMPHIS	TN 38118-0000
NAZARIO	JUAN	B BAYAMON 00621 PUERTO RICO	FA 00000-0000
NEEDMAN	MARVIN	HHD 67TH MAINT CO FT BENNING	GA 31905-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

NEIDERMAN	SANDRA	A 6299 140TH AVE HOLLAND	MI 49423-9732
NEOPHYTOU	HELEN	ATHENS 603 197 LEOFOROS ALEXANDRAS GREECE	FA 00000-0000
NETTO	OSCAR	S AVE DEL GENERALISIMO FRANCO 2076 PARAGUAY	FA 00000-0000
NEW YORK STATE DEPARTMENT OF STATE D			
NEWMAN	GILBERT	M 72ND ENGR FT BENNING	GA 31905-0000
NICOL	PETER	BEBELSTR 78 ERFURT	FA 00000-0000
NIEBEL	JOERG	TROMPETER STR 37 6272 ENGELHANN WILD GERMANY	FA 00000-0000
NIXON	JUNE	KALBAR QUEENSLAND AUSTRALIA 4309 FA 00000-0000	
NOLAN	ANTONIA	GUADALAJARA JAL MEXICO	FA 00000-0000
NOLAN	JOSEPH	L 3 79 RANGER BN FT BENNING	GA 31980-0000
NOLIN	DAVID	A 10001 WILLOW PARK DR SE HUNTSVILLE	AL 35803-1259
NOLIN	G	D 10001 WILLOW PARK DR SE HUNTSVILLE	AL 35803-1259
NOLIN	JANICE	A 10001 WILLOW PARK DR SE HUNTSVILLE	AL 35803-1259
NORTH ROCKLAND GLASS		203 GURNEE AVE HAVERSTRAW	NJ 00000-0000
NORTON	CHESTER	R R 13 BOX 104 CLARKSVILLE	TN 37042-0000
NORWEST MORTGAGE INC		PO BOX 9209 DES MOINES	IA 50306-9209

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

NUGENT	JOHN	38 FERNWOOD MARPLE BRIDGE UNITED KINGDOM	FA 00000-0000
NUNEZ	LUCILA	APT 2 1400 BLACKHAWK TRAIL WAUKESHA	WI 53186-0000
NUNEZROBLES	SOCORRO	M APT 2 1400 BLACKHAWK TRAIL WAUKESHA	WI 53186-0000
NY DEPT OF STATE			IL 00000-0000
OBRIEN	BARBARA	B 2717 EASTWOOD DR YORK	PA 17402-0000
OBRIEN	RAURIE	E 2717 EASTWOOD DR YORK	PA 17402-0000
OCCONOR	DONNA	54 WEXFORD DR MENDHAM	NJ 07945-0000
OCONNOR	DONALD	4230 BORDEAUX ST LOUIS	MO 63129-0000
OCONNOR	ELOISE	4230 BORDEAUX ST LOUIS	MO 63129-0000
OGUNSEITAN	ABIMOBOLA	58 ALLEN AVENUE IKEJAM LAGOS NIGERIA WEST AFRICA	FA 00000-0000
OGUNSEITAN	EDWARD	58 ALLEN AVENUE IKEJAM LAGOS NIGERIA WEST AFRICA	FA 00000-0000
OKANO	YASUHISA	ROOM 126 11 17 1 CHOME OKAMOTO TOKYO 157 JAPAN	FA 00000-0000
OLIVER	VINCENT	906 WINDALE AVE DOTHAN	AL 36303-0000
ONEILL	MICHAEL	D 64 CHURCH AVE PENNER MIDDLESEX	FA 00000-0000
ORHTEL	KLEE	C USS MINNEAPOLIS FPO NY 09564	FA 00000-0000
OROURKE	WILMA	A 418 W PLEASANT MAQUOKETA	IA 52060-0000

DEPARTMENT OF FINANCIAL INSTITUTIONS			
NOTICE OF PUBLIC INFORMATION			
OSSINGER	EVERETT	A 815 E LOCUST DAVENPORT	IA 52803-4345
OST & OST		13TH & LAUREL STS POTTSVILLE	PA 17901-0000
OSTERBERG	CARL	A 3011 E GORE BLVD LAWTON	OK 73501-0000
OTTOSEN	ELIZABETH	A 31305 BURN LN EVERGREEN	CO 80439-0000
OTTOSEN	ROBERT	E 31305 BURN LN EVERGREEN	CO 80439-0000
PACACHA	MARK	V 10038 LONG POINT HOUSTON	TX 77055-0000
PACE GROUP INC		SUITE 409 12160 ABRAMS RD DALLAS	TX 75243-0000
PAI	SUEPI	42 RAINFORD RD EDISON	NJ 08822-0000
PAJAKOWSKA	BARBARA	UL UJEJSKIEGO 9 1 33 100 TARNOW POLAND	FA 00000-0000
PAMA	LUZVIMINDA	J BANGKOK BOX 2754 THAILAND	FA 00000-0000
PAMA	RICARDO	P BANGKOK BOX 2754 THAILAND	FA 00000-0000
PANAIA	PATRICIA	269 COMMERCIAL ST PORTLAND	ME 04101-6400
PAPAS	GEORGE	13534 GABY VIRBO HOUSTON	TX 77083-0000
PAPAS	HELEN	13534 GABY VIRBO HOUSTON	TX 77083-0000
PAPER CHEMICAL SUPPLY CO		PO BOX 22113 SAVANNAH	GA 31403-0000
PARISSE	LANCE	D APT 83 200 BRUSH BLVD GOOSE CREEK	SC 29445-0000



## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

PARKER	AARON	A 3026 OAKLEY AVE BALTIMORE	MD 21215-0000
PARKER	ALLISON	4300 FLAT SHOALS RD UNION CITY	GA 30291-0000
PARSON	CURTIS	339 HOWELL DR 7E ATLANTA	GA 30316-0000
PARSONS	JESSICA	12736 SKARHOLMEN 12602 SWEDEN	FA 00000-0000
PASCUA	ROGELIO	J DAMMAIN MAL MOJIL EST BOX 11 SAUDI ARABIA	FA 00000-0000
PATEL	DAYTAL	PO BOX 22817 LUSAKA ZAMBIA	FA 00000-0000
PATRINOS	DESPINA	NEA SMYRNI 65 EPHEUS STREET ATHENS GREECE	FA 00000-0000
PATTERSON	GEORGE	973 BEECHER ST ATLANTA	GA 30310-0000
PAVESIC	WILLIAM	D PO BOX 11378 TAMUNING GUAM GUAM	FA 00000-0000
PAYLINGS	WILLIE	J 598TH MAINT CO FT BENNING	GA 31905-0000
PAYNE	M	L 2042 3RD BLUE EARTH	MA 00000-0000
PAYNE	MICHAEL	C 1309 YORKTOWN RICHMOND	TX 77469-0000
PEARSON	SCOTT	R 2605 S 1ST 304 LUFKIN	TX 75901-0000
PEDACK	PHILLIP	J A CO 2 16TH INF FT RILEY	KS 66442-0000
PEITROWSKI	DAWN	E 343A OLD TRENTON RD CLARKSVILLE	TN 37040-0000
PENLAND	DARREN	W C BTRY 3 9TH FA FT SILL	OK 73503-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

PEREZ	EGLE	E 1024 BUENOS AIRES CALLAO 1555 3 RO A ARGENTINA	FA 00000-0000
PEREZ	VICTOR	HCO1 BOX 6169 VAUCO PR	FA 00698-9701
PERRINO	INGRID	W 2905 W 33RD ST ANCHORAGE	AK 99517-0000
PERRY	DIANE	P 311 W ROUGHFORK FLORENCE	SC 29501-0000
PERRY	KEVIN	T B BTRY 2 37THFA FT SILL	OK 73503-0000
PERRY	MARK	A PO BOX 5033 FT RUCKER	AL 36352-0000
PETERMAN	DWAIN	J RTE 2 BOX 1409 MARION	AK 00000-0000
PETERS	AVA	A LONDON W 14 E 0 ENGLAND	FA 00000-0000
PETERSON	ELMO	E BOX 21 GUYMON	OK 73942-0000
PETRAMALE	DENISE	829 ALLEN ST ELIZABETH	NJ 07202-0000
PETRE	CRUZ	804 BITTER CREEK DR DALLAS	TX 75217-0000
PEZ	THOMAS	7500730 9 AVE BOMQUET PARIS FRANCE	FA 00000-0000
PFISTER	EDWARD	1635 N SCOTTSDALE ROAD TEMPE	AZ 85281-1511
PFISTER	SHIRLEY	M 1635 N SCOTTSDALE ROAD TEMPE	AZ 85281-1511
PHASAWADI	ANCHALEE	PRACHANIVES 1 LAD YAO BANG KHE BANGKOK THAILAND	FA 00000-0000
PHILLIPS	CHRIS	C TRP 1 7 CAV ICD FT HOOD	TX 76544-0000



## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

QUINN	MARY	M 208 GREEN PARK DR MOBILE	AL 33695-3315
QUINN	RONALD	W PO BOX 1809 OOLTEWAH	TN 37363-0000
QUITER	CASEY	E 3500 HILLRIDGE DRIVE PLANO	TX 75074-4366
QUITER	DEBRA	3500 HILLRIDGE DRIVE PLANO	TX 75074-4366
QUITTLEY	CLYDE	109 N JEFFERSON JUNCTION CITY	KS 66441-0000
RAHE	JOHN	13201 N SANDARIO RD MARANA	AZ 85653-0000
RAMIREZ	BLANCA	PO BOX 278 HIDALGO	TX 78557-0000
RAMSEY	MABLE	I 319 JOSEPHINE DETROIT	MI 48202-0000
RAY	LEONARD	D 1235 LONGFELLOW DETROIT	MI 48202-0000
READ	SHERRY	R 15414 KUYKENDAHL RD 244 HOUSTON	TX 77090-0000
REDDRICK	STEVEN	N 5451 ORE ST N CHARLESTON	SC 29418-0000
REELFS	DANIEL	14 CHEMIN TRUELS BERNARD SWITZERLAND	1296 COPPET FA 00000-0000
REELFS	R	14 CHEMIN TRUELS BERNARD SWITZERLAND	1296 COPPET FA 00000-0000
REEVES	RONALD	W 1011 REDFISH HITCHCOCK	TX 77563-0000
REID	BORIS	W 812 E HENREY ST SAVANNAH	GA 31401-0000
REIDELBERGER	ROGER	312 CLARION RD LAWRENCEVILLE	GA 30243-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

REIS	FREDERICK	RR 7 BOX 12 ATHENS	AL 35611-0000
REIS	MARGOT	RR 7 BOX 12 ATHENS	AL 35611-0000
REITMAN	JOELLYN	A 8660 N PORT WASHINGTON RD FOX POINT	WI 53217-0000
REMINGTON	MICHAEL	S 1764 N HOLLARD CT DENVER	CO 80005-0000
REYES	GABRIEL	C 7004 H AVE HOUSTON	TX 77011-0000
REYES	GRACIELA	10236 RHUTAN ROAD EL PASO	TX 79927-5041
REYNOLDS	ANTHONY	O 98 641 MOANALUE LOOP 5 AIAA	HI 96701-0000
RHODES	E	H 213 KAOLIN ST LEESBURG	FL 32748-0000
RIBIDEAU	MICHAEL	A 2324 17TH AVE 16 GULFPORT	MS 39501-0000
RICE	CHARLIE	4587 E COLT DR ELOY	AZ 85231-0000
RICE	JINNY	4587 E COLT DR ELOY	AZ 85231-0000
RICHARDS	TOMMY	RR 1 BOX 453A OGDEN	AR 71853-0000
RICHETTI	HILDE	CARACAS APARTADO BOX 6543 VENEZUELA	FA 00000-0000
RIGGS	RUBY	B RR 1 BOX 529 SPRINGVILLE	TN 38256-0000
RILEY	DIANE	M 272 MYRTLE MUSKOGON	MI 49442-0000
RIVERA	BARTOLO	CALLE NIZA 172 EXT EL COMANDOATE CAROLINA	PR 00982-0000



DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PUBLIC INFORMATION

ROBBINS	JAMES	944 NE 183RD AVE PORTLAND	OR 97230-0000
ROBERTS	CLARENCE	850 FALKIRK KELOWNA BC VIXIRLC FA 00000-0000	
ROBERTS	SYLVIA	850 FALKIRK KELOWNA BC VIXIRLC FA 00000-0000	
ROBERTSON	KENNETH	A 200 YOUNGWOOD DRIVE ST SIMONS ISLAND	GA 31522-0000
ROBINSON	KEVIN	L 1802 OLIVE ST CHATTANOOGA	TN 37406-0000
ROBINSON	TERRILYNN	647TH MAINT BN FT HOOD	TX 76544-0000
ROBNOLTE	GERALD	O 1722 GREENBROOK LANE FLINT	MI 48507-0000
RODRIGUEZ	GUS	122 ALFREDO SAN JUAN	TX 78589-0000
RODRIGUEZ	ROG	MOCA 007169609 PUERTO RICO FA 00000-0000	
RODRIQUEZ	MARIA	C 3910 HODES HARLINGEN	TX 78552-0000
ROGEL	JENNIFER	N 221 E ARLINGTON ST BANGOR	MI 49013-1405
ROGEL	PATRICIA	221 E ARLINGTON ST BANGOR	MI 49013-1405
ROMEO	LYNDON	1670 PASS RD 1 BILOXI	MS 39531-0000
ROMERO	ELLIOT	COND TORRECILLAS B15 CAROLINA 00630	FA 00000-0000
ROMERO	MIGUEL	A 524551 1 SEMINOLE FT HOOD	TX 76546-0000
ROOF	A	J 29 VALLE JO ST GOOSE CREEK	SC 29445-0000

DEPARTMENT OF FINANCIAL INSTITUTIONS

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ROSARIO	NESTOR	2253 S 18TH MILWAUKEE	WI 00000-0000
ROSBERG	CONSTANCE	J 10353 N LAKE CIRCLE OLATHE	KS 66061-0000
ROSBERG	THOMAS	J 10353 N LAKE CIRCLE OLATHE	KS 66061-0000
ROSELAND	ALVIN	G 1019 KATHY DRIVE MAQUOKETA	IA 52060-0000
ROSITO	JOSEPH	P 4270 N 6TH ST HARRISBURG	PA 17110-0000
ROSMILSO	LARRY	BOX 43 F RR 2 LONG GROVE	IA 52756-0000
ROSTEN	FLORENCE	PO BOX 80606 COLLEGE	AL 00000-0000
ROWELL	KEVIN	S 2703 AUDUBON RD AUDUBON	PA 19403-0000
ROY	ADAM	E LOT 1 1 171 ROUTE 140 BELMONT	NH 03220-0000
ROYAL INDEMNITY SCH 1		ONE MONROEVILLE CENTER MONROEVILLE	PA 15146-0000
RUBENSTEIN	R	2300 THIMENS BLVD ST LAURENT QUEBEC CANADA	FA 00000-0000
RUFFNER	MARY	2265 STONECROP WAY GOLDEN	CO 80401-0000
RUFFNER	PHILLIP	2265 STONECROP WAY GOLDEN	CO 80401-0000
RUNDALL	ROLAND	R LOT 26B 3193 FT CAMPBELL BLVD CLARKSVILLE	TN 37042-0000
RYAN	RICHARD	C 608 NORTH LANSDOWNE FLORENCE	SC 00000-0000
RYBARCZYK	BARBARA	64200 WOLSZTYN NOWOTKI 18 POLAND	FA 00000-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

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RYKO MFG	11600 NW 54TH AVE GRIMES	IA 50111-0000
RYMUT	DONNA J 3585 HEARTWOOD PL ANCHORAGE	AK 99504-3902
SAAVEDRA	JORGE A 1315 GRANT ST APT 1 LAREDO	TX 78040-0000
SABOT	PHILIPPE LES CEDRES ROUTE DE BARD FRANCE	FA 00000-0000
SADOW	WILLIAM C RD 2 BOX 69 C KINTERSVILLE	PA 18930-0000
SAEGER	WILLIAM CHONBURI 20153 NAKLUA BANGLAMUNG THAILAND	FA 00000-0000
SALIGER	CHRISTL CARACAS APARTADO BOX 6543 VENEZUELA	FA 00000-0000
SAMUEL	SHAWN LAGOON COMPLEX 59 ST CROUX	VI 00841-0000
SAN FRANCISCO COUNTY		CA 00000-0000
SANBORN	SUE 7531 E NORTH LN SCOTTSDALE	AZ 85258-0000
SANFORD	MAILE K 4221 KEANU STREET HONOLULU	HI 96816-5546
SANTE GENNARELLI TRUST		
SAUPP	JEFFERY D 122 YATES CIR ALEDO	TX 76008-0000
SAWYER	JIMMY D 16306 N DR CHAMELVIEW	TX 77530-0000
SAYLOR	MICHAEL J 4 STONEBRIDGE CIR BROWNWOOD	TX 76801-0000
SAYLORS	RICKY O 2425 S 49TH STREET KANSAS CITY	KS 66106-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

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SCAGLIONEFRANCOPRO PRO	MILANO VIA VANVITELLI 32 ITALY	FA 00000-0000
SCALCO	VICTOR M 3115 MENPHIS NEDERLAND	TX 77627-0000
SCHAFER	BRENT R RR 5 BOX 154 NEW VIRGINA	IA 50210-0000
SCHAFER	VAN R RR 5 BOX 154 NEW VIRGINA	IA 50210-0000
SCHANDLER	SCOTT 30600 N PIMA RD 117 SCOTTSDALE	AZ 85262-0000
SCHIEBLER	BEJAMIN SVC 1 3 FA 1 CAV FT HOOD	TX 76546-0000
SCHMIDTPLUTKA	AXEL HANS THOMA STR 1 HIRSCHBERG 69493 GERMANY	FA 00000-0000
SCHNEIDER	MYRIAM B APT 21F 235 E 40TH ST NEW YORK	NY 10016-0000
SCHOENFELDIER	GEORGE A 936 EAST MANOR DRIVE CHANDLER	AZ 85225-0000
SCHULTZ	JANET APT 17 1350 N MORNINGSIDE DR ATLANTA	GA 30306-0000
SCHUTTE	E C 805 CRESTVIEW DR SHERMAN	TX 75090-0000
SCIOLI	TIMOTHY J LOT 49 308 MEMORIAL DR HINESVILLE	GA 31313-0000
SCLAFANI	ANITA 212 EAST GATEHOUSE DR METAINIE	LA 70001-0000
SCOTT	LIZ D 6 MERIDIAN GLADEWATER	TX 75647-0000
SEALS	JOHN L 1ST PSC FT RILEY	KS 66442-0000
SEGARS	SHARON 4615 JOHNSON AVE HAMMOND	IN 46327-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

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SEGARS	TERRI	4615 JOHNSON AVE HAMMOND	IN	46327-0000					
SEJECK	MARK	C 209 1/2 LITTLE CREEK RD NORFOLK	VA	23505-0000					
SELDON	TAMI	110 D SEAPARC APTS KINGSLAND	GA	31548-0000					
SELLERS	RUTH	M SOUTHWOOD ACRES MHP 29 WOODBINE	GA	31569-0000					
SETZER	DOUGLAS	L 227 W MARKET ST HELLAM	PA	17406-0000					
SETZER	THERESA	227 W MARKET ST HELLAM	PA	17406-0000					
SEYMOUR	HAROLD	D RT 1 BOX 58 A WESLACO	TX	78596-0000					
SHALIT	HAIM	PO BOX 4729 TEL AVIV ISRAEL	FA	00000-0000					
SHAW	WILLIE	C 1508 YUMA FT WORTH	TX	76119-0000					
SHEARER	A	G METROMAN	IL	00000-0000					
SHELDON	STEPHEN	A USS NICHOLSON DD 786 CHAS NAVAL BASE	SC	29408-0000					
SHELTON	DOROTHY	PO BOX 384 UNION SPRINGS	AL	36089-0000					
SHELTON	ISOM	PO BOX 384 UNION SPRINGS	AL	36089-0000					
SICOKIS	IRENE	ELPIDOS 4 ATHENS GREECE	FA	00000-0000					
SIEGEL	LINDA	4426 HANINGTON WOODS ST SAN ANTONIO	TX	78249-1815					
SIEGEL	MARA	L 4426 HANINGTON WOODS ST SAN ANTONIO	TX	78249-1815					

DEPARTMENT OF FINANCIAL INSTITUTIONS									
NOTICE OF PUBLIC INFORMATION									
SILER	BRANDON	B RR 3 BOX 16401 FAYETTEVILLE	TN	37334-9803					
SILVERS	STEVEN	B CO 46TH ENG FT RUCKER	AL	36362-0000					
SIMMONS	SHERRY	A 1487 W WEST MAPLE RD 172 WALLED LAKE	MI	48088-0000					
SIMMONS	WILLIE	C USS THEODORE RSVLT FPO NEW YORK 09599	FA	00000-0000					
SIMMS	MICHAEL	A APT 6V 10 MARSHALL ST IRVINGTON	NJ	07111-0000					
SIMON	JOSEPH	D 4316 THOMPSON LANE SULPHUR	LA	70663-0000					
SINGER	TODD	E HQ CO USA AVN DTA FT RUCKER	AL	36362-0000					
STOCHI	ERLINDA	METRO MANILA DAMPALIT PHILIPPINES	FA	00000-0000					
STOCHI	MARIO	METRO MANILA DAMPALIT PHILIPPINES	FA	00000-0000					
SKANDALIS	NIKOLAS	GR17671 KALLITHEA ATHENS GREECE	FA	00000-0000					
SLAGLE	IRENE	1711 MOUNT PISGAH LN SILVER SPRING	MD	20903-0000					
SLAMET	SUMANTRI	I PO BOX 3442 JAKARTA INDONESIA	FA	00000-0000					
SLAMET	WIDYA	A PO BOX 3442 JAKARTA INDONESIA	FA	00000-0000					
SLAUGHTER	JON	F PO BOX 432 VALDEZ	AK	99686-0000					
SLAUGHTER	LOIS	C 101 BELLEVEDEERE ST MAURICE	LA	70555-5121					
SLIKE	DAVID	E SVC BTRY 1 82ND FA FT HOOD	TX	76545-0000					



## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

SMART CHEV

PO BOX 8088  
PINE BLUFF  
AR 71611-0000

SMILEY

R A 6213 TRUMAN DR  
FORT WORTH  
TX 76112-0000

SMITH

BOBBY L A BTRY 1 82ND FA LCD  
FT HOOD  
TX 76544-0000

SMITH

CONNIE B BOX 2915  
ARCADIA  
LA 71001-0000

SMITH

DARRELL R 1841 HUMPHREY RD A  
EL PASO  
TX 79906-0000

SMITH

DAVID 2030 BRANDON  
DENISON  
TX 75020-0000

SMITH

EARL M SSN651  
FPO SAN FRAN 96676  
FA 00000-0000

SMITH

GREGORY APT V2 2033 43RD SE  
GRAND RAPIDS  
MI 49508-0000

SMITH

HENRY C RT 1 BOX 46  
COMO  
MS 38619-0000

SMITH

IRENE T 223 DAVID ST  
JOHNSTOWN  
PA 15902-0000

SMITH

JOANNE M HHC 3RD SIG BDE  
FT HOOD  
TX 76544-0000

SMITH

KIMBERLY A C CO 705TH MSB  
FT POLK  
LA 71459-0000

SMITH

MARY E RR6 BOX 904D  
LEANDER  
TX 78641-0000

SMITH

MARY H APT V2 2033 43RD SE  
GRAND RAPIDS  
MI 49508-0000

SMITH

TIMOTHY M 1104 GARRISON ST  
GAFFNEY  
SC 29340-0000

SMITH

WYNDELL J HEB 5 62 ADA  
FT BLISS  
TX 79916-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

SNEED

OTTO 1723 GORMAN  
SAN ANTONIO  
TX 78202-0000

SOEHREN

CANDACE L 3488 KRAFF RD  
PORT HURON  
MI 48060-1468

SOEHREN

ROBERT D 3488 KRAFF RD  
PORT HURON  
MI 48060-1468

SOURASIS

CHRIS ASLIPIOU PLATINON KOS DODEKANISA GRE  
FA 00000-0000

SOURASIS

CHRISTINE ASLIPIOU PLATINON KOS DODEKANISA GRE  
FA 00000-0000

SOUTH JERSEY GLASS

PO BOX 157  
VINELAND  
NJ 00000-0000

SPAUGH

CHRISTOPHER L 250 CANTEN AVE SE  
ATLANTA  
GA 30317-0000

SPEIGHTS

R M RT 1 BOX 1122  
GAINESVILLE  
GA 30506-0000

SPENCER

LEON F 1015 N CARNER PKWY C 157  
GRAND PRARIE  
TX 75050-0000

SPINA

MIGUEL A 1024 BUENOS AIRES CALLAO 1555 3 RO A  
ARGENTINA  
FA 00000-0000

SPINEY

BILLY PO BOX 14  
ALLIGATOR  
MS 38720-0000

SPRENKLE

HOLLY A 229 S PAARKET STREET  
SELESGROVE  
PA 17870-0000

SPRINT

PO BOX 511  
HAWTHORNE  
NJ 07507-9987

SPOULL

GEORGE L 211 E MAIN ST  
MORENCI  
MI 49256-1549

STABY

SOCOTT R 2220 WALLACE STREET  
PHILADELPHIA  
PA 19130-0000

STAMATI

HRISANTHI LEOF PARTELIS 127 MELISSIA ATHENS GR  
FA 00000-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

STOUTENBURG	EVERT	S 124 N ALMONT AVE IMLAY CITY	MI 48444-1003
STOUTENBURG	HARLEY	124 N ALMONT AVE IMLAY CITY	MI 48444-1003
STOVALL	JAMES	T 1913 HUGHEY DR LONGVIEW	TX 75601-0000
STRATTON	NANCY	L 2856 E OAKLAND PARK FT LAUDERDALE	FL 33306-0000
STRATTON	PATRICK	R 2856 E OAKLAND FT LAUDERDALE	FL 33306-0000
STRATTON	PATRICK	R 2856 E OAKLAND PARK FT LAUDERDALE	FL 33306-0000
STRICKLAND	EARLIE	W 220 ATLANTA AVENUE WINDER	GA 30680-0000
STRICKLER	HAROLD	D 4330 WEST 37TH AVE 100 DENVER	CO 80212-0000
STUART	LINDA	F BERRIEN SPRINGS	MI 49103-0000
STUDER	WILLIAM	C HHC 299TH ENG FT SILL	OK 73503-0000
SUEOKA	RYAN	94 135 KUPUOHI WAIJAHU	HI 96797-1123
SUEOKA	WENDY	A 94 135 KUPUOHI WAIJAHU	HI 96797-1123
SUEVER	ALBERT	C 95 WEST 32 STREET BAYONNE	NJ 07001-0000
SUSSMANN	RICARDO	GUILDFORD SURREY GUI 2NT ENGLAND	FA 00000-0000
SUSZKO	EWA	BIALYSTOCK RADZYMINSKA 17 12 15 863 POLAND	FA 00000-0000
SWAFFORD	CELETA	B 22 JEFFERSON HIGHWAY PINEVILLE	LA 71360-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

STATE OF INDIANA		IN 00000-0000
STEFANOVIC	ALEXANDRE	28 AVENUE FOCH 75116 PARIS FRANCE
STEINBECK	STEPHEN	7853 AMERICANA CR T4 GLEN BURNIE
STEMPLE	ROY	1849 ROBINHOOD BLVD SCHERVILLE
STEVENSON	GEROME	B BTRY 1 6 ADA FT BLISS
STEVENSON	JOHN	G APT A 6 BURKSDALE DR ATLANTA
STEWART	DERWIN	R 748 BANCROFT S CLARKSVILLE
STIER	ARIANE	5518 S BRIAR RIDGE CIRCLE MCKINNEY
STILLWELL	KRIS	D 3957 LUTHER ROAD BARTKETT
STITELER	GREGORY	S 142 WOODS AVE F1 MONACA
STJOHN	JAMES	A B BTRY 1 2 ADA FT STEWART
STOKES	ALBERT	L 6407 FLAT ROCK RD 4 COLUMBUS
STOLTZ	FRANCES	M A 6299 140TH AVE HOLLAND
STONE	MARK	A 111 MUNSFORD DR 3 CLARKSVILLE
STOTTS	ELDRA	J 2010 WHITE HOUSE RD BEL AIR
STOTTS	STEPHANIE	J 2010 WHITE HOUSE RD BEL AIR

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

SWANSON	CHAD	A 741 S 75TH ST KS CITY	KS	66112-0000	TAYLOR	JOSEPH	W HHB 2 2ND FA FT SILL	OK	73503-0000
SWARINGTON	ROBERT	S 8915 ROBERT'S 6 EL PASO	TX	79904-0000	TAYLOR	LARRY	E 919 WASHINGTON ST BAINBRIDGE	GA	31717-0000
SWIERCZEWSKI	THEODORE	102 HOPPER AVE FAIR LAWN	NJ	07410-1108	TAYLOR	ROXANNE	L RT 5 BOX 19 GEORGETOWN	TX	78628-0000
SYKES	DEON	D APT 205 138 GLENDALE HIGHLAND PARK	MI	48203-0000	TAYLOR	SPENCER	N 9144 EDMONSTON RD GREENBELT	MD	27770-0000
SYKES	FRANCES	N 137 OLD ST RT 76 DOVER	TN	37058-0000	TEASDALE	MARVIN	42860 9 MILE RD NOVI	MI	48375-0000
SYLVESTER	DENNIS	LOT 7 3909 LACE BD HEPZIBAH	GA	30815-0000	TEEMS	SUZANNE	1431A STONEHENGE ROAD MONTGOMERY	AL	36117-0000
T & J CONTRACTORS		6867 HIX ROAD WESTLAND	MI	48185-1905	TELSCHOW	DANA	J 138 I W CONCORD DR CLARKSVILLE	TN	37042-0000
T JEFFEREY CALOW		APT 3 54 PRIMROSE OTTOWA CANADA	FA	00000-0000	TERGERSON	AATON	D BOX HC 64 BOX 94 E CLIFTON	TX	76634-0000
TABANOGLU	NICHOLAS	24 PAPAPAVLOU ST ATHENS GREECE	FA	00000-0000	TERLEP	MINNETTE	865 BELLEVUE ROAD NASHVILLE	TN	37221-2710
TABION	MACARIO	B 939 LUEHU ST 017 PEARL CITY	HI	96782-0000	TERRY	LATRICE	D 54 NW 24TH ST LAWTON	OK	73505-0000
TACO ENTERPRISES INC		BERRIEN SPRINGS	MI	49103-0000	TESTMAN	MICHAEL	396 AVON AVE NEWARK	NJ	07108-0000
TAGUCHI	MUNEKATSU	108 4 9 35 602 SHIBAURAMINATO KU TOYKO 19105 JAPAN	FA	00000-0000	THELEN	WAYNE	1421 ALBERT ST EAST LANSING	MI	00000-0000
TARVER	JUDY	A 618 E CHERRY DUNCANVILLE	TX	75116-0000	THIEME	BRIAN	A B CO 2 18 INF FT BENNING	GA	31905-0000
TATE	RONALD	A BTRY 4 5 S LCD FT HOOD	TX	76541-0000	THOMAS	FRANK	T 7128 CAMBRIA ORANGE	CA	92669-0000
TATUM	ERIC	D 922 OLYMPIA CIR NEW ORLEANS	LA	70114-0000	THOMAS	JOHN	D 310 FLOYD ST HINESVILLE	GA	31313-0000
TAYLOR	CHARLES	3926 ST MICHAELS CT SUGARLAND	TX	77478-0000	THOMAS	LAURETTA	H 7128 CAMBRIA ORANGE	CA	92669-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

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## DEPARTMENT OF FINANCIAL INSTITUTIONS

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THOMPSON	ANNEMARIE	63843 WEST SHORE STURGIS	MI	49091-0000			
THOMPSON	GLORIA	7307 BARCELONA DR AUSTIN	TX	78752-0000	TURNBILL	SCOTT	W HHC 1ST CAV DIV FT HOOD TX 76546-0000
THOMPSON	JOHN	L 8647 HEMLOCK CT YPSILANTI	MI	48198-0000	TURNER	KEVIN	L APT 226 11555 216TH ST LAKEWOOD CA 90715-0000
THOMPSON	LAURA	63843 WEST SHORE STURGIS	MI	49091-0000	TURNER	ROY	13101 BRIAR FOREST DR HOUSTON TX 77077-0000
THOMPSON	STEVEN	R 2810 JUDSON RD 1705 LONGVIEW	TX	75605-0000	TYREE	LOTTIE	14117 ALDORA CIR BURTONVILLE MD 20866-2027
TODD	MORGAN	H 810 BELL ST WHARTON	TX	77488-0000	TZIANOS	IOANNIES	MESSINIAS 701 240 08 DIVOLITSI GREECE FA 00000-0000
TOM BANNEN CHEVROLET		PO BOX 1307 MADISON	TN	37116-0000	TZIANOS	KONSTANTINOS	MESSINIAS 701 240 08 DIVOLITSI GREECE FA 00000-0000
TORIELLO	CIRO	USS MAHAN DDG 42 CHARLESTON	SC	29408-0000	UKAWUBA	CHARLES	FLEET S&L SOC FLAT B 4TH FL NIGERIA FA 00000-0000
TOWNSEND ENG		2425 HUBBELL AVE PO BOX 1433 DES MOINES	IA	50305-0000	UKAWUBA	STELLA	FLEET S&L SOC FLAT B 4TH FL NIGERIA FA 00000-0000
TOWNSEND IND		PO BOX 97 ALTOONA	IA	50009-0000	ULKAN	HANS	APT 1104 RUA GUSTAVO SAMATO NO 126 BRAZIL FA 00000-0000
TREASURER STATE OF OHIO			OH	00000-0000	ULRICH	COURTNEY	6429 RUTGERS ST HOUSTON TX 77005-0000
TRIANA	PETER	J 5612 S CACTUS TUCSON	AZ	85746-0000	ULRICH	SANDRA	6429 RUTGERS ST HOUSTON TX 77005-0000
TRZECIAK	STANISLAW	02 496 WARSZAWA WBKRZYMOUSTEGO 29 POLAND	FA	00000-0000	UNIVERSITY OF IOWA		00000-0000
TRZECIAK	TERESA	02 496 WARSZAWA WBKRZYMOUSTEGO 29 POLAND	FA	00000-0000	UNIVERSITY OF MICHIGAN		00000-0000
TSEKOUR	BASILE	BUBLINAS 5 EGION ACHAIAS GREECE	FA	00000-0000	UNIVERSITY OF MISSOURI		00000-0000
TUNCER	MUAMMER	ANKARA KAVAKLIDERE TAHRAN CADDESI 32 TURKEY	FA	00000-0000	UPTON	TIMOTHY	W 3229 HALF HARRELL STREET MACON GA 31206-0000

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USHER	MILA	N 14 SHELLBARK RD DECATUR	GA 30035-0000
VALDES	CARLOTA	M LA HERRADURA BOSQUE DEL SECRETO NO 6 HUIXQUILUCAN MEXICO	FA 00000-0000
VALDES	GUSTAVO	J LA HERRADURA BOSQUE DEL SECRETO NO 6 HUIXQUILUCAN MEXICO	FA 00000-0000
VALENZUELA	MIKE	G 7748 HWY 140 E KLAMATH FALLS	OR 97603-0000
VALIGUETTE	FRANCIS	J 545 MP CO FT HOOD	TX 76543-0000
VALLEAU	MARCELLE	LIEGE BELGIUM 0 BELGIUM	FA 00000-0000
VANDYNE	TERRY	M C BTRY 3 43 ADA FT BLISS	TX 79616-0000
VANVALKENBURGH	DELORES	G 28471 BAYBERRY FARMINGTON	MI 48018-0000
VANVALKENBURGH	HOWARD	A 28471 BAYBERRY FARMINGTON	MI 48018-0000
VARGAS	JOSE	E PO BOX 3004 APO MIAMI 34002	FA 00000-0000
VARIUS	H	BUENOS ARIES SARMIENTO 1977 81 1044 ARGENTINA	FA 00000-0000
VARLEY	C	R 27 AVENUE DE LA COSTA MONTE CARLO MONACO	FA 00000-0000
VAZQUEZ	JORGE	536 8 41 BUENOS AIRES ARGENTINA	FA 00000-0000
VERRE	CHRISTOPHER	S 2840 SOMENTON DR MORROW	GA 30260-0000
VIDAKOVICH	NELLIE	210 W 9TH ST HOLLAND	MI 49423-0000
VIDEO LEARNING		354 W LANCASTER AVE HAVERFORD	PA 19041-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

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VILLADIEGO	MARIO	E BOGATA CALLE 80 N 68C 31ST APT 101 COLUMBIA	FA 00000-0000
VITEK	DAVID	L 2011 PRINCE PLACE SAVANNAH	TN 38372-0000
VO	JOSEPH	P HHD 48TH SB 2AD FT HOOD	TX 76545-0000
VOGT	BARBARA	L 6 MEADOWCROFT LANE GREENWICH	CT 06830-3823
VOLK	MELODY	J BOX 555 HOUSTON	TX 77001-0555
WAHMHOFF	ALBERT	991 CARRIAGE PL DR BETTENDORF	IA 52722-0000
WALKER	DEWAYNE	T 870 LUCAS CREEK RD 32 NEWPORT NEWS	LA 00000-0000
WALKER	TONYA	V 655C EAGLE CT ST MARYS	GA 31558-0000
WALLACE	GERRY	3641 GREENBRIAR DR NW HUNTSVILLE	AL 35810-0000
WALLACE	JAMES	E 590 WASHINGTON ST BATH	ME 04530-0000
WALTERS	DENEENA	PO BOX 158 BEULAH	CO 81023-0000
WALTERS	LEROY	B 2 PLAINFIELD AVE GOOSECREEK	SC 29445-0000
WANG	CHING	M N 1011 CHUNG CHENG RD 1ST FL ROC	FA 00000-0000
WANG	LUNG	C KAHO SIUNG 249 LIN SEN 1ST RD TIWAN	FA 00000-0000
WANISH	CRAIG	R 506 A HARLY DR HARKER HTS	TX 76543-0000
WARD	LIONEL	901 BUNCHE RD BALTIMORE	MD 21225-0000

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PUBLIC INFORMATION

WARD	RICHARD	PO BOX 2822 MESZ	AZ	85214-0000
WARFEL	SHERI	L APT 20 3300 EVENINGSIDE TOPEKA	KS	66614-0000
WARGO	JERRY	R R 4 BOX 72 FARMERVILLE	LA	71241-9664
WARNER	JERRY	R 4400 LAKE ROAD F KILEEN	TX	76543-0000
WARREN	CHARLES	2135 PECK MUSKEGON HEIGHTS	MI	49444-0000
WARREN	MAE	E 703 TENTH AVE CLEVELAND	MS	38732-3033
WASH	HARRIET	M 2411 CREEK GLENN DALLAS	TX	75227-0000
WASHBURN	DANIEL	B PO BOX 226 EFFORT	PA	18330-0000
WASHINGTON	CALVIN	4004 ARDLEY AVE BALTIMORE	MD	21213-0000
WASHINGTON	GARY	RT 1 BOX 216A YONGES ISLAND	SC	29494-0000
WASHINGTON	LOVERN	PO BOX 33 EARLY BRANCH	SC	29916-0000
WASHINGTON	STACEY	RT 1 BOX 151 VICKSBURG	MS	39180-0000
WASHINGTON	TERRENCE	M 1344 PEASHILL RD CHARLESTON	SC	29412-0000
WATERS	DORIS	RT 2 BOX 351 ELBA	AL	36323-0000
WATKINS	EVELYN	E 3808 E 133RD CIR THORNTON	CO	80241-0000
WATKINS	RANDY	L 217 BIRMINGHAM ST MOBILE	AL	36610-0000

DEPARTMENT OF FINANCIAL INSTITUTIONS

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WATKINS	ROBERT	R 3808 E 133RD CIR THORNTON	CO	80241-0000
WATSON	JOHN	D 2093 PINERIDGE CR 532 N CHARLESTON	SC	29405-0000
WATSON	MAURINE	M 865 BELLEVUE ROAD NASHVILLE	TN	37221-2710
WEATHERFORD	FRED	G 900 DILLWORTH B 4 ST MARYS	GA	31558-0000
WEEKLEY	LORI	A 910 CYPRESS STATION DR 629 HOUSTON	TX	77090-0000
WEGRZYN	MALGORZATA	1126 ADELAIDE ST NORTH APT 203 CANADA	FA	00000-0000
WEGRZYN	TADEUSZ	1126 ADELAIDE ST NORTH APT 203 CANADA	FA	00000-0000
WEICHT	STEVEN	L C CO 1 64 ARMOR FT STEWART	GA	31314-0000
WEIDMAN	JOHN	D 173 BROAD ST SAVUNGA	PA	17538-0000
WEIL	BETTY	3641 GREENBRIAR DR NW HUNTSVILLE	AL	35810-0000
WEIL	LUKE	3641 GREENBRIAR DR NW HUNTSVILLE	AL	35810-0000
WEIL	MAX	3641 GREENBRIAR DR NW HUNTSVILLE	AL	35810-0000
WEISLO	JOHN	34 630 MSZANA DOLNA POLAND	FA	00000-0000
WEISS	IRA	7814 NEW SECOND ELKINS	PA	19117-0000
WEISS	JEROME	7702 THEISWOOD SPRING	TX	77379-0000
WELHAF	GEORGE	104 HIGHLAND AVE FEASTERVILLE	PA	19053-0000



## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

WELLINGTON	MARGARET	PO BOX 670 MADOC ONTARIO K0K 2K0 CANADA	FA 00000-0000
WELLS	KIMERAY	BOX 182 A FRANKLIN	LA 70538-0000
WENG	KUO	F TAOUYAN COUNTY 51 SIN I RD KUAN IN TAIWAN	FA 00000-0000
WES FINCH CHEV		PO BOX 537 GRINNELL	IA 50112-0000
WESELS	PATRICIA	J DORWALDT BLVD 6 NETHERLANDS VILLAGE SCHENECTADY	FA 00000-0000
WEST	K	PO BOX 670 MADOC ONTARIO K0K 2K0 CANADA	FA 00000-0000
WEST	L	PO BOX 670 MADOC ONTARIO K0K 2K0 CANADA	FA 00000-0000
WESTMORELAND COMPANY		RTE 30 EAST RD 12 GREENSBURG	PA 15601-0000
WHALEN	JAMES	P PO BOX 1822 CAMP VERDE	AZ 86322-1822
WHALEN	KAREN	PO BOX 1822 CAMP VERDE	AZ 86322-1822
WHITAKER	ROYCE	5TH AG REP DET FT POLK	LA 71459-0000
WHITE	STEVEN	I TRP 3 3 ACR FT BLISS	TX 79916-0000
WHITEHORN	TONY	D B CO 1ST BDE FT RUCKER	AL 36362-0000
WHITTED	HAROLD	A 4020 31ST ST GULFPORT	MS 39501-0000
WILBURN	BOBBY	O 126TH BAKER ST FT BENNING	GA 31905-0000
WILEY	JOHN	PO BOX 856 BOUND BROOK	NJ 08805-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

WILKERSON	STACY	L A CO 1 10TH BOX 6079 FT RUCKER	AL 36362-0000
WILKERSON	WILLIAM	T SOUTHWARD ACRES LOT 16 WOODBINE	GA 31569-0000
WILLARETH	LINDA	1911 SPRUCE HILL DR BETTENDORF	IA 52722-2624
WILLIAMS	ALONZO	L PO BOX 1515 LOGANVILLE	GA 30247-0000
WILLIAMS	BEN	H B BTRY 2 18TH FA FT SILL	OK 73503-0000
WILLIAMS	DAVID	H APO NEW YORK 09843	FA 00000-0000
WILLIAMS	DOROTHY	M HHB III CORPS FT SILL	OK 73503-0000
WILLIAMS	HENRY	L 180 NORTH LEVEE GRENADA	MS 38901-0000
WILLIAMS	JOHN	RTE 1 BOX 140 ELLOREE	SC 00000-0000
WILLIAMS	MARIE	2906 TWIN LAKE BLVD GREENWOOD	MI 38930-0000
WILLIAMS	RONNIE	L 823 S 8TH ST KILLEEN	TX 76541-0000
WILLIAMS	STEVEN	B CO 1 5TH FSB FT POLK	LA 71459-0000
WILLIAMS	WALTER	L HHC 197TH INF FT BENNING	GA 31905-0000
WILLIAMSON	MICHAEL	APT F4 1545 PARKHILL DR GAINESVILLE	GA 30501-0000
WILLIS	KENNETH	E E CO 3 7 INF FT STEWART	GA 31314-0000
WILSON	DEVIN	L 4302 LAKESHORE DR 202 SHREVEPORT	LA 71109-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

WILSON	FRANKLIN	1312 HILLCREST LN PRESCOTT	AZ	86303-3349
WILSON	RONNIE	SUB RASE COMMUNICATIONS KINGBAY	GA	31547-0000
WIRTA	MARK	H RFD BOX 885 BANGOS	ME	04401-0000
WITHUS	MARGARET	M APT 218 4312 S 31ST ST TEMPLE	TX	76502-3362
WITTKOPP	LANCE	A 1765 MCGRAFT ST MUSKEGON	MI	49441-0000
WM MITCHELL MTRS		PO BOX 1648 PASCAGOULA	MS	39568-0000
WOLF	WALTER	8660 N PORT WASHINGTON RD FOX POINT	WI	53217-0000
WOLFE	JANICE	E 606 LINE ST CEDARTOWN	GA	30125-0000
WONG	CHUN	CARRERA 6 NO 9 29 SAN CRISTOBAL VENEZUELA	FA	00000-0000
WOOD	ALICE	F 116 ELDER ROAD MANCELONA	MI	04965-0000
WOOD	ROGER	S 1951F DICKSON CIRCLE HONOLULU	HI	96818-0000
WOOD	SILAS	S 1425 HEATHERLAND DRIVE ATLANTA	GA	30331-0000
WOODWARD	BRIAN	A BTRY 215 FA LCD FT HOOD	TX	76544-0000
WOODWARD	ROBERT	M TIMBER TRL LN LONGVIEW	TX	75600-0000
WRIGHT	MARVIN	2500 KNIGHTS RD 5506 BENSALEM	PA	19020-0000
WULKAN	TEREZA	R APT 1104 RUA GUSTAVO SAMATO NO 126 BRAZIL	FA	00000-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

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WYNN	KENNETH	R 1521 OXFORD RD 8 MANHATTAN	KS	66502-0000
WYSZYNSKI	DENNIS	D CO 16TH SIG BN FT HOOD	TX	76544-0000
YANG	JOHNSON	C 8F 11F NO325 CHUNG HSIAO E RD SEC 4 EI TAIWAN ROC	FA	00000-0000
YAPA	CHELIKA	APT 104 25732 W 12 MILE RD SOUTHFIELD	MI	48034-0000
YARDLEY	DONNA	207 AUBURN DR ENTERPRISE	AL	36330-0000
YOSHINAKA	GERDA	3 1 8 EBARA SHINAGAWA KU TOKYO 142 JAPAN	FA	00000-0000
YOSHINAKA	YOSUKE	3 1 8 EBARA SHINAGAWA KU TOKYO 142 JAPAN	FA	00000-0000
YOUNG	MICHAEL	T 1101 B 7TH PL PHOENIX CITY	AL	36867-0000
YUKINORI	KANEDA	15 9 2 CHOUH TOKYO JAPAN	FA	00000-0000
ZERBOLIO	DOMINIC	J 208 NORTH HARD ROAD BEND		00000-0000
ZILMER	BRIAN	PFC BOX 436 LUKE AFB	AZ	85309-0000
ZMINA	MICHAEL	G 11825 ASPEN FOREST DRIVE ALPHARETTA	GA	30201-0000

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 3, 1998 through February 9, 1998 and have been scheduled for review by the Committee at its February 17, 1998 or March 24, 1998 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
3/20/98	Department of Natural Resources, Sport Fishing Regulations for the Waters of Illinois (17 Ill Adm Code 810)	12/5/97 21 Ill Reg 15309	2/17/98
3/25/98	Teachers' Retirement System, The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650)	12/26/97 21 Ill Reg 17015	3/24/98

Rules acted upon during the quarter of January 1 through March 31, 1998 (Issues 1-13) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

**PROPOSED**

2-651-2	35-240-6	92-443-6	35-739-1
8-755-4	35-304-7	92-445-5	38-1050-1
11-502-8	38-110-7	92-1010-4	41-140-2
11-1318-2	38-140-7		41-180-8
11-1770-3	38-160-7	<b>ADOPTED</b>	44-910-2
14-135-6	38-390R-1	2-926-2	44-980-2
14-180-2	50-4415-5	8-600-2	44-1000-2
14-500-2	50-4435-6	8-1400-7	47-110-3
14-510-4	56-2665-5	11-314-4	47-220-8
17-650-6	59-50-1	11-315-4	
17-660-6	62-240-4.5	11-317-4	47-250-8
17-670-6	68-900R-8	11-603-4.7	47-260-8
17-1536-6	68-1220-4	14-130-3	47-310-8
20-1570-1	68-1247-8	17-120-5	47-365-8
23-50-2	68-1252-7	17-130-6	50-909-6
23-150R-5	68-1275-6	17-590-4	50-930-6
23-151-5	68-1285-8	17-710-4	50-1406-6
23-650-7	74-730-2	17-1522-4	50-2012-4
23-2700-6	74-750-2	20-504-2	50-5100-4
23-2720-6	77-205-5	20-505-2	56-2660-2
23-2730-6	77-515-8	23-1501-4	56-5300
23-2733-6	77-600-3	29-620-2	68-1283-8
23-2735-6	77-672-6	35-211-7	68-1300-8
23-2736-6	77-845-5	35-218-7	68-1310-8
23-2755-6	77-870-5	35-219-7	68-1350-8
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23-2761-6	83-506-4	35-303-2	68-1475-8
23-2763-6	83-650-1	35-304-2	77-245-8
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80-1600-8  
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83-772-1  
86-100-4  
86-130-6  
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89-140-2  
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89-220-7  
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89-402-1  
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89-682-4  
89-886-8  
92-1030-2  
92-1040-2  
92-1100R-4  
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23-650-2  
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38-140-2  
38-160-2  
56-2665-5  
62-240-1  
68-1220-4  
68-1252-7  
68-1455-8  
71-40-5  
77-672-6  
77-870-5  
83-416-4  
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